

NORTH CAROLINA REGISTER

VOLUME 13 • ISSUE 2 • Pages 171 - 260

July 15, 1998

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Agriculture

Cosmetic Art Examiners

Environment and Natural Resources

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Pharmacy

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PUBLISHED BY

The Office of Administrative Hearings

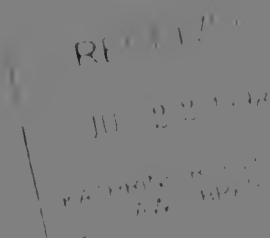
Rules Division

PO Drawer 27447

Raleigh, NC 27611-7447

Telephone (919) 733-2678

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For those persons that have questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

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 424 North Blount Street
 Raleigh, North Carolina 27601-2817
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 (919) 733-3462 FAX
 contact: Molly March, Director, APA Services: mmarch@oah.state.nc.us
 Ruby Creech, Publications Coordinator: rcreech@oah.state.nc.us

Fiscal Notes & Economic Analysis

Office of State Budget and Management
 116 West Jones Street
 Raleigh, North Carolina 27603-8005
 (919) 733-7061
 (919) 733-0640 FAX
 contact: Mark Slack, Economic Unit: mslack@osbm.state.nc.us
 Anna Lett, Economic Unit: atlett@osbm.state.nc.us

Rule Review and Legal Issues

Rule Review Commission
 1307 Glenwood Avenue, Suite 110
 Raleigh, North Carolina 27607
 (919) 733-2721
 (919) 733-9418 FAX
 contact: Joe DeLoach, Jr., Staff Director, Counsel
 Bobby Brummett, Attorney

Legislative Process Concerning Rule Making

Joint Legislative Administrative Procedure Oversight Committee
 548 Legislative Office Building
 500 North Salisbury Street
 Raleigh, North Carolina 27611
 (919) 733-3378
 (919) 733-3604 FAX
 contact: Mary Shephard, Staff Liaison: mary_s@ncleg.state.nc.us

County and Municipality Government Questions or Notification

NC Association of County Commissioners
 215 North Dawson Street
 Raleigh, North Carolina 27603
 (919) 711-3899
 contact: Jim Blackburn or Rebecca Footman
 NC League of Municipalities
 215 North Dawson Street
 Raleigh, North Carolina 27603
 (919) 711-4000
 contact: Paula Thomas

NORTH CAROLINA REGISTER

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July 15, 1998

This issue contains documents officially filed
through June 23, 1998.

Office of Administrative Hearings
Rules Division
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NORTH CAROLINA REGISTER

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(June 1998 - March 1999)

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volume and issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact			B. substantial economic impact			270 th day from issue date
					end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	
12:23	06/01/98	05/08/98	08/03/98	06/16/98	07/01/98	07/20/98	01/27/99	07/31/98	08/20/98	01/27/99	02/26/99
12:24	06/15/98	05/22/98	08/14/98	06/30/98	07/15/98	07/20/98	01/27/99	08/14/98	08/20/98	01/27/99	03/12/99
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13:18	03/15/99	02/22/99	05/14/99	03/30/99	04/14/99	04/20/99	05/00	05/14/99	05/20/99	05/00	12/10/99

EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) notices of rule-making proceedings;
- (3) text of proposed rules;
- (4) text of permanent rules approved by the Rules Review Commission;
- (5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
- (6) Executive Orders of the Governor;
- (7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;
- (8) orders of the Tax Review Board issued under G.S. 105-241.2; and
- (9) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF RULE-MAKING PROCEEDINGS

END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS: This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.

EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD

- (1) **RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT:** An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.
- (2) **RULE WITH SUBSTANTIAL ECONOMIC IMPACT:** An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.

This Section contains public notices that are required to be published in the Register or have been approved by the Codifier of Rules for publication.

PUBLIC NOTICE

Citizens are invited to attend public hearings on the Draft 1999 State Medical Facilities Plan to be conducted by the North Carolina State Health Coordinating Council (SHCC) at the following times and locations:

Greenville	July 13, 1998 (Monday)	1:30 - 2:30 p.m.	The Willis Building East Carolina University 300 East First Street Greenville, NC 27858-4356
Charlotte	July 14, 1998 (Tuesday)	1:30 - 2:30 p.m.	Mercy Hospital Auditorium 2001 Vail Avenue Charlotte, NC
Greensboro	July 15, 1998 (Wednesday)	1:30 - 2:30 p.m.	Council of Governments Koger Office Ctr. (near Howard Johnson's) 2216 W. Meadowview Road Suite 201, Wilmington Building (2nd Floor Conference Room) Greensboro, NC 27407-3480
Asheville	July 16, 1998 (Thursday)	1:30 - 2:30 p.m.	MAHEC 501 Biltmore Avenue Second Floor Asheville, NC 28801-4686
Wilmington	July 17, 1998 (Friday)	1:30 - 2:30 p.m.	Coastal AHEC New Hanover Regional Med. Ctr. Auditorium -- Ground Floor 2131 S. 17th Street Wilmington, NC
Raleigh	July 21, 1998 (Tuesday)	1:30 - 2:30 p.m.	Public Health Center Auditorium 10 Sunnybrook Road (Corner of New Bern Ave. & Sunnybrook Rd.) Raleigh, NC

All persons commenting on the Draft Plan at the public hearings are asked to supply WRITTEN COPIES of their remarks. Persons with disabilities who need assistance to participate in the public hearing are requested to notify the Medical Facilities Planning Section in advance so that reasonable accommodations can be arranged.

The State Medical Facilities Plan projects need for acute care hospital beds, rehabilitation facilities and beds, ambulatory surgery facilities and operating rooms, technology services and equipment, nursing care beds, home health agencies, kidney dialysis stations, hospice home care programs and inpatient beds, psychiatric hospitals, substance abuse treatment facilities, and intermediate care facilities for the mentally retarded. **NOTE: After the need determinations and policies are adopted by the SHCC and approved**

by the Governor, they will be incorporated in Administrative Procedure Act Rules for the 1999 State Medical Facilities Plan.

Persons wishing to review or purchase the Draft 1999 State Medical Facilities Plan or who want information about the Plan or the series of public hearings may call 919-733-4130, or write to: Medical Facilities Planning Section, Division of Facility Services, P. O. Box 29530, Raleigh, NC 27626-0530. Inquiries may be made to this same address about comments or petitions received regarding the Draft Plan. Copies of the Draft Plan will also be made available to all Area Health Education Centers and to all Lead Regional Organizations (Councils of Government) in the State. **ALL WRITTEN COMMENTS AND PETITIONS ON THE DRAFT 1999 STATE MEDICAL FACILITIES PLAN MUST BE RECEIVED BY JULY 21, 1998.**

U.S. Department of Justice

Civil Rights Division

EJ:DHH:KIF:jng
DJ 166-012-3
98-1424
98-1761

*Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128*

June 5, 1998

David A. Holec, Esq.
City Attorney
P.O. Box 7207
Greenville, North Carolina 27835-7207

Dear Mr. Holec:

This refers to ten annexations (Ordinance Nos. 4, 5, 6, 18, 19, 20, 30, 31, 32, and 33 (1998)) and their designation to districts of the City of Greenville in Pitt County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submissions on April 7 and May 11, 1998.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. In addition, as authorized by Section 5, we reserve the right to reexamine these submissions if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41 and 51.43).

Sincerely,

Elizabeth Johnson
Chief, Voting Section

U.S. Department of Justice

Civil Rights Division

Washington, D.C. 20035-6128

Office of the Attorney General

June 8, 1998

Mr. Gary O. Bartlett
Executive Secretary-Director
North Carolina State Board of Elections
P.O. Box 2169
Raleigh, North Carolina 27602

Dear Mr. Bartlett:

This refers to NC Sess. Law 1998-2 (House Bill 1394), which provides for the 1998 congressional redistricting plan for the State of North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on May 22, 1998, supplemental information was received on May 26 and 29, 1998.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. In addition, as authorized by Section 5, we reserve the right to reexamine this submission if additional information that would otherwise require an objection comes to our attention during the remainder of the sixty-day review period. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41 and 51.43).

Since the Section 5 status of the 1998 congressional redistricting plan is before the court in Cromartie v. Hunt, CA No. 4: 96-CV-104-BO(3), we are providing a copy of this letter to the court and counsel of record in that case.

Sincerely,

William R. Yeomans
Acting Assistant Attorney General
Civil Rights Division

cc: The Honorable Sam J. Ervin, III
The Honorable Terrence W. Boyle
The Honorable Richard L. Voorhees

Counsel of Record

A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.

TITLE 1 - DEPARTMENT OF ADMINISTRATION

CHAPTER 15 - COMMISSION OF INDIAN AFFAIRS

Notice of Rule-making Proceedings is hereby given by the North Carolina State Commission of Indian Affairs in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 1 NCAC 15 .0201 - .0214. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 143B-406; 150B-16

Statement of the Subject Matter: The Commission desires to amend the procedures used to recognize Indian groups in North Carolina. The membership of the Commission desires to delete a provision which provides for the recognition of Indian "organizations" in North Carolina.

Reason for Proposed Action: In the United States, Indian tribes have had special relationships with state and federal governments. State recognition is the state government's acknowledgment of an interrelated Indian people's historic existence as a tribe, identified as a separate and distinct group, exercising social, political, or economic influence over its people. Tribal representatives have expressed the concern that official recognition of mere "organizations" threatens tribal status and sovereignty as they presently exist.

Comment Procedures: All written comments should be made to Mr. Gregory A. Richardson, Executive Director of the NC State Commission of Indian Affairs, at the Commission Offices, 217 West Jones Street, Raleigh, NC 27603-1336, Telephone (919) 733-5998.

Notice of Rule-making Proceedings is hereby given by the DHHS - Division of Medical Assistance in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 10 NCAC 26I .0101; 26M .0305. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 108A-25(b); 108A-54; 108A-55; S.L. 1993, c. 321, s. 222(g); 42 C.F.R. 431; 42 C.F.R. 456

Statement of the Subject Matter: 10 NCAC 26I .0101 - This Rule specifies the policies and procedures to provide for attending physician requests for reconsideration and recipient requests for appeal of decisions changing a recipient's or a Medicaid applicant's level of care, denial or modification of prior approval requests or denial of other medical services. 10 NCAC 26M .0305 - This Rule states the appeals procedures for enrollee and sub-contractors to follow in the Carolina Alternatives program.

Reason for Proposed Action: Carolina Alternatives capitation fee includes administrative cost. These cost include hearing procedures. Area Program's contract directly with the Division of Mental Health, Developmental Disabilities, Substance Abuse Services; therefore, it would be inappropriate to hold the hearing at the Division of Medical Assistance.

Comment Procedures: Written comments concerning these rule-making actions must be submitted to Portia W. Rochelle, Rule-making Coordinator, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC 27603.

CHAPTER 50 - MEDICAL ASSISTANCE

**SUBCHAPTER 50B - ELIGIBILITY
DETERMINATION**

Notice of Rule-making Proceedings is hereby given by the DHHS - Division of Medical Assistance in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**TITLE 10 - DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

CHAPTER 26 - MEDICAL ASSISTANCE

SUBCHAPTER 26I - APPEALS PROCEDURES

**SUBCHAPTER 26M - MANAGED CARE
AND PREPAID PLANS**

Citation to Existing Rules Affected by this Rule-Making: 10 NCAC 50B .0302, .0313. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 108A-25(b); 108A-54; 108A-61; 42 C.F.R. 435.135; 42 C.F.R. 435.402; 42 C.F.R. 435.731; 42 C.F.R. 435.732; 42 C.F.R. 435.733; 42 C.F.R. 435.812; 42 C.F.R. 435.831; 42 C.F.R. 435.832; 42 C.F.R. 435.1007; 45 C.F.R. 233.20; 8 U.S.C. 1161; 8 U.S.C. 1255a; 42 U.S.C. 1383c(b); 42 U.S.C. 1383c(d); 42 U.S.C. 1396b(v); P.L. 99-272; Section 12202; Alexander v. Flaherty Consent Order Filed February 14, 1992

Statement of the Subject Matter: 10 NCAC 50B .0302 - This Rule defines aliens who are eligible for Medicaid. 10 NCAC 50B .0313 - This Rule authorizes a \$50.00 child support deduction from countable unearned income.

Reason for Proposed Action: 10 NCAC 50B .0302 - P.L. 104-93 defines "qualified" aliens who are eligible for Medicaid. Former categories of eligible aliens, such as PRUCOL aliens, are now ineligible for full Medicaid. This change will identify "Qualified" aliens who are eligible for full Medicaid based on federal law. 10 NCAC 50B .0313 - To comply with CFR 435.601(b) which requires the financial methodologies for determining financial eligibility for family and children's Medicaid cases be based on the state's Title IV-A policy. This change will exclude first \$50.00 in child support received each month for each child in the budget unit.

Comment Procedures: Written comments concerning these rule-making actions must be submitted to Portia W. Rochelle, Rule-making Coordinator, Division of Medical Assistance, 1985 Umstead Drive, Raleigh, NC 27603.

TITLE 13 - DEPARTMENT OF LABOR

CHAPTER 7 - OFFICE OF OCCUPATIONAL SAFETY AND HEALTH

Notice of Rule-making Proceedings is hereby given by the Department of Labor, Division of Occupational Safety and Health in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 13 NCAC 07F, Standards. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: G.S. 95-4; 95-131

Statement of the Subject Matter: The N.C. Division of Occupational Safety and Health is considering the development of rules to protect workers from developing occupationally

derived cumulative trauma disorders. It is the goal of the Division to develop rules that will be protective of all workers, put employers on notice as to what is expected of them, and provide employers with the flexibility to deal with varying workplace conditions and rapid technology changes. The Division is seeking comments regarding the development and implementation of the rules, including, but not limited to, the scope and form the rules should take, information regarding the development and implementation of effective ergonomics programs, and information regarding implementation time frames.

Reason for Proposed Action: To protect workers from developing occupationally derived cumulative trauma disorders.

Comment Procedures: The purpose of this announcement is to encourage all interested and potentially affected persons or parties to make their views known to the Division of Occupational Health and Safety (OSH) whether in favor of or opposed to any and all provisions of the proposal being noticed. In addition to the acceptance of written comments, informational hearings will be held at five locations across the state to solicit comments and recommendations. There will be an afternoon (2pm-4pm) and an evening (6pm-8pm) session at each location. The dates and locations are August 17 at Forsyth Technical Community College, Ardmore Hall Auditorium, 2100 Silas Creek Parkway, Winston-Salem, NC 27103; August 18 at Asheville-Buncombe Technical Community College, 340 Victoria Road, Asheville, NC 28801; August 20 at Johnson C. Smith University, Biddle Auditorium, 100 Beatties Ford Road, Charlotte, NC 28216 (park in lot marked GYL); August 25 at Fort Fisher Aquarium, Auditorium, 2201 Fort Fisher Blvd., S. Kure Beach, NC 28449 and August 27 at the Archdale Building, Hearing Room #GFHR, 512 N. Salisbury Street, Raleigh, NC 28604. Depending on the size of the group attending a hearing, public comments may be limited. Speakers will be heard in the order in which they are registered to speak. Written comments, data, or other information relevant to this proposal must be submitted within 60 days--September 14, 1998. Written comments may be submitted to Angela S. Waldorf, Division of Occupational Safety and Health, 319 Chapanoke Road, Suite 105, Raleigh, NC 27603-3432, fax number (919) 662-4582. Requests for additional information regarding the hearings or to pre-register to speak at a hearing should be directed to Peggy D. Morris at Division of Occupational Safety and Health, 319 Chapanoke Road, Suite 105, Raleigh, NC 27603-3432, telephone number (919) 662-4581 or 1-800-LABORNC.

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

CHAPTER 7 - COASTAL MANAGEMENT

Notice of Rule-making Proceedings is hereby given by the ENR-Coastal Resources Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of

this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making:
15A NCAC 70.0105 and .0202. Other rules may be proposed in the course of the rule-making process.

Authority for the rule-making: *G.S. 113-3; 113-8; 143B-10*

Statement of the Subject Matter: *Adding new reserve components Bald Head Woods and Kitty Hawk Woods and recognizing local hunting laws and ordinances.*

Reason for Proposed Action: *The proposed rule will include new reserve components Bald Head Woods and Kitty Hawk Woods as part of the North Coastal Reserve and will include recognition of local hunting laws in addition to state hunting laws.*

Comment Procedures: *Contact John Taggart, 7205 Wrightsville Avenue, Wilmington, NC 28403, (910) 256-3721 ext. 243.*

This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars (\$5,000,000). Statutory reference: G.S. 150B-21.2.

TITLE 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of Health and Human Services, Division of Facility Services intends to adopt the rules cited as 10 NCAC 3R .6101-.6141 and amend the rule cited as 10 NCAC 3R .3051. Notice of Rule-making Proceedings was published in the Register on January 2, 1998.

Proposed Effective Date: April 1, 1999

A Public Hearing will be conducted at 10:00 a.m. on September 14, 1998 at the Council Building, Room 201, 701 Barbour Drive, Raleigh, NC 27603.

Reason for Proposed Action: To adopt as permanent rules the temporary version of the rules for the 1998 State Medical Facilities Plan.

Comment Procedures: Anyone wishing to comment on these proposed rules should contact Jackie Sheppard, APA Coordinator, Division of Facility Services, 701 Barbour Drive, Raleigh, N.C. 27603, (919) 733-2342.

Fiscal Note: These Rules, 10 NCAC 3R .6107, .6112, .6120-.6124 and .6129, do affect the expenditures or revenues of local and State funds. These Rules do have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

Fiscal Note: These Rules, 10 NCAC 3R .3051, .6101-.6106, .6108-.6111, .6113-.6119, .6125-.6128, .6130-.6141, do not affect the expenditures or revenues of local or State funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 3 - FACILITY SERVICES

SUBCHAPTER 3R - CERTIFICATE OF NEED REGULATIONS

SECTION .3000 - PLANNING POLICIES AND NEED DETERMINATIONS

.3051 APPLICABILITY OF RULES RELATED TO THE 1997 STATE MEDICAL FACILITIES PLAN

Rules .3052 through .3054 and .3056 through .3088 of this Section apply to certificate of need applications for which the scheduled review period begins on or after January 1, 1997; began during calendar year 1997. In addition, Rule .3055 of this Section will be used to implement procedures described within it after January 1, 1997 during calendar year 1997.

Authority: G.S. 131E-176(25); 131E-177(1); 131E-183(b).

SECTION .6100 - PLANNING POLICIES AND NEED DETERMINATIONS

.6101 APPLICABILITY OF RULES RELATED TO THE 1998 STATE MEDICAL FACILITIES PLAN

Rules .6101 through .6105 and .6107 through .6141 of this Section apply to certificate of need applications for which the scheduled review period begins during calendar year 1998. In addition, Rule .6106 of this Section will be used to implement procedures described within it during calendar year 1998.

Authority: G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6102 CERTIFICATE OF NEED REVIEW CATEGORIES

The agency has established 10 categories of facilities and services for certificate of need review and will determine the appropriate review category or categories for all applications submitted pursuant to 10 NCAC 3R .0304. For proposals which include more than one category, the agency may require the applicant to submit separate applications. If it is not practical to submit separate applications, the agency will determine in which category the application will be reviewed. The review of an application for a

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certificate of need will commence in the next review schedule after the application has been determined to be complete. The 10 categories of facilities and services are:

- (1) Category A. Proposals submitted by acute care hospitals, except those proposals included in Categories B through H and Category J, including but not limited to the following types of projects: renovation, construction, equipment, and acute care services.
- (2) Category B. Proposals for nursing care beds; new continuing care facilities applying for exemption under 10 NCAC 3R .6134; and relocations of nursing care beds under 10 NCAC 3R .6136.
- (3) Category C. Proposals for new psychiatric facilities; psychiatric beds in existing health care facilities; new intermediate care facilities for the mentally retarded (ICF/MR) and ICF/MR beds in existing health care facilities; new substance abuse and chemical dependency treatment facilities; substance abuse and chemical dependency treatment beds in existing health care facilities.
- (4) Category D. Proposals for new dialysis stations in response to the "county need" or "facility need" methodologies; and relocations of existing dialysis stations to another county.
- (5) Category E. Proposals for new or expanded inpatient rehabilitation facilities and inpatient rehabilitation beds in other health care facilities; and new or expanded ambulatory surgical facilities except those proposals included in Category H.
- (6) Category F. Proposals for new home health agencies or offices, new hospices, new hospice inpatient facility beds, and new hospice residential care facility beds.
- (7) Category G. Proposals for conversion of hospital beds to nursing care under 10 NCAC 3R .6133.
- (8) Category H. Proposals for bone marrow transplantation services, burn intensive care services, neonatal intensive care services, open heart surgery services, solid organ transplantation services, air ambulance equipment, cardiac angioplasty equipment, cardiac catheterization equipment, heart-lung bypass machines, gamma knives, lithotriptors, magnetic resonance imaging scanners, positron emission tomography scanners, major medical equipment as defined in G.S. 131E-176 (14f), diagnostic centers as defined in G.S. 131E-176 (7a), and oncology treatment centers as defined in G.S. 131E-176 (18a).
- (9) Category I. Proposals involving cost overruns; expansions of existing continuing care facilities which are licensed by the Department of Insurance at the date the application is filed and are applying under exemptions from need determinations in 10 NCAC 3R .6121; relocations within the same county of existing health service facilities, beds or dialysis stations which do not involve an increase in the number of health service facility beds or stations; reallocation of beds or services; Category A proposals submitted by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; proposals submitted pursuant to 10 NCAC 3R .6130(c) by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; and any other proposal not included in Categories A through H and Category J.
- (10) Category J. Proposals for demonstration projects.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6103 CERTIFICATE OF NEED REVIEW SCHEDULE

The agency has established the following review schedules for certificate of need applications.

- (1) Acute Care Beds (in accordance with the need determination in 10 NCAC 3R .6107)

<u>County</u>	<u>CON Beginning Review Date</u>
<u>Dare</u>	<u>July 1, 1998</u>

- (2) Fixed Cardiac Catheterization Equipment (in accordance with need determinations in 10 NCAC 3R .6112)

<u>Hospital Service System</u>	<u>CON Beginning Review Date</u>
<u>Moses H. Cone Memorial</u>	<u>April 1, 1998</u>
<u>High Point Regional</u>	<u>April 1, 1998</u>
<u>Cape Fear Valley Medical Center</u>	<u>March 1, 1998</u>

- (3) Radiation Oncology Treatment Centers (in accordance with the need determination in 10 NCAC 3R .6120)

<u>Radiation Oncology Treatment</u>	<u>CON Beginning</u>
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<u>Center Service Area</u>	<u>Review Date</u>
9 (Cabarrus, Stanly)	October 1, 1998

(4) Nursing Care Beds (in accordance with need determinations in 10 NCAC 3R .6121)

<u>County</u>	<u>CON Beginning Review Date</u>
Caswell	April 1, 1998
Cabarrus	August 1, 1998
Rowan	April 1, 1998
Lee	March 1, 1998
Cumberland	March 1, 1998
Martin	September 1, 1998

(5) Home Health Agency Offices (in accordance with the need determination in 10 NCAC 3R .6123)

<u>Counties</u>	<u>CON Beginning Review Date</u>
Cumberland, Hoke, Robeson or Scotland	May 1, 1998

(6) Detox-Only Beds (in accordance with need determinations in 10 NCAC 3R .6128)

<u>Mental Health Planning Areas</u>	<u>CON Beginning Review Date</u>
1 (Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain)	June 1, 1998
4 (Henderson, Transylvania)	June 1, 1998
5 (Alexander, Burke, Caldwell, McDowell)	June 1, 1998
6 (Rutherford, Polk)	June 1, 1998
11 (Davie, Iredell, Rowan)	June 1, 1998
13 (Surry, Yadkin)	June 1, 1998
15 (Rockingham)	June 1, 1998
17 (Alamance, Caswell)	June 1, 1998
18 (Orange, Person, Chatham)	June 1, 1998
20 (Vance, Granville, Franklin, Warren)	June 1, 1998
21 (Davidson)	May 1, 1998
23 (Bladen, Columbus, Robeson, Scotland)	May 1, 1998
26 (Johnston)	May 1, 1998
27 (Wake)	May 1, 1998
31 (Wayne)	May 1, 1998
32 (Wilson, Greene)	May 1, 1998
33 (Edgecombe, Nash)	May 1, 1998
34 (Halifax)	May 1, 1998
35 (Carteret, Craven, Jones, Pamlico)	May 1, 1998
36 (Lenoir)	May 1, 1998
38 (Bertie, Gates, Hertford, Northampton)	May 1, 1998
39 (Beaufort, Hyde, Martin, Tyrrell, Washington)	May 1, 1998
40 (Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans)	May 1, 1998
41 (Duplin, Sampson)	May 1, 1998

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- (7) Intermediate Care Facility Beds for Mentally Retarded (in accordance with need determinations in 10 NCAC 3R .6129)

<u>Mental Health Planning Areas</u>	<u>CON Beginning Review Date</u>
8 (Gaston, Lincoln)	June 1, 1998
10 (Mecklenburg)	June 1, 1998
14 (Forsyth, Stokes)	June 1, 1998
21 (Davidson)	June 1, 1998
24 (Cumberland)	May 1, 1998
37 (Pitt)	May 1, 1998

- (8) Applications for certificates of need will be reviewed pursuant to the following review schedule, unless another schedule has been specified in Items (1) through (7) of this Rule.

<u>CON Beginning Review Date</u>	<u>HSA I, II, III</u>	<u>HSA IV, V, VI</u>
<u>January 1</u>	=	=
<u>February 1</u>	A, E, G, I	G
<u>March 1</u>	=	A, B, E, I, H
<u>April 1</u>	B, F, H, I	=
<u>May 1</u>	C	C, E, I
<u>June 1</u>	A, C, D, I	C, D
<u>July 1</u>	=	A, I
<u>August 1</u>	B, E, I	=
<u>September 1</u>	J	B, E, H, I, J
<u>October 1</u>	A, F, H, I	=
<u>November 1</u>	=	A, F, I
<u>December 1</u>	C, D, I	C, D, I

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6104 MULTI-COUNTY GROUPINGS

(a) Health Service Areas. The agency has assigned the counties of the state to the following health service areas for the purpose of scheduling applications for certificates of need:

HEALTH SERVICE AREAS (HSA)

<u>I</u>	<u>II</u>	<u>III</u>	<u>IV</u>	<u>V</u>	<u>VI</u>
<u>County</u>	<u>County</u>	<u>County</u>	<u>County</u>	<u>County</u>	<u>County</u>
<u>Alexander</u>	<u>Alamance</u>	<u>Cabarrus</u>	<u>Chatham</u>	<u>Anson</u>	<u>Beaufort</u>
<u>Alleghany</u>	<u>Caswell</u>	<u>Gaston</u>	<u>Durham</u>	<u>Bladen</u>	<u>Bertie</u>
<u>Ashe</u>	<u>Davidson</u>	<u>Iredell</u>	<u>Franklin</u>	<u>Brunswick</u>	<u>Camden</u>
<u>Avery</u>	<u>Davie</u>	<u>Lincoln</u>	<u>Granville</u>	<u>Columbus</u>	<u>Carteret</u>
<u>Buncombe</u>	<u>Forsyth</u>	<u>Mecklenburg</u>	<u>Johnston</u>	<u>Cumberland</u>	<u>Chowan</u>
<u>Burke</u>	<u>Guilford</u>	<u>Rowan</u>	<u>Lee</u>	<u>Harnett</u>	<u>Craven</u>
<u>Caldwell</u>	<u>Randolph</u>	<u>Stanly</u>	<u>Orange</u>	<u>Hoke</u>	<u>Currituck</u>
<u>Catawba</u>	<u>Rockingham</u>	<u>Union</u>	<u>Person</u>	<u>Montgomery</u>	<u>Dare</u>
<u>Cherokee</u>	<u>Stokes</u>		<u>Vance</u>	<u>Moore</u>	<u>Duplin</u>

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<u>Clay</u>	<u>Surry</u>	<u>Wake</u>	<u>New Hanover</u>	<u>Edgecombe</u>
<u>Cleveland</u>	<u>Yadkin</u>	<u>Warren</u>	<u>Pender</u>	<u>Gates</u>
<u>Graham</u>			<u>Richmond</u>	<u>Greene</u>
<u>Haywood</u>			<u>Robeson</u>	<u>Halifax</u>
<u>Henderson</u>			<u>Sampson</u>	<u>Hertford</u>
<u>Jackson</u>			<u>Scotland</u>	<u>Hyde</u>
<u>McDowell</u>				<u>Jones</u>
<u>Macon</u>				<u>Lenoir</u>
<u>Madison</u>				<u>Martin</u>
<u>Mitchell</u>				<u>Nash</u>
<u>Polk</u>				<u>Northampton</u>
<u>Rutherford</u>				<u>Onslow</u>
<u>Swain</u>				<u>Pamlico</u>
<u>Transylvania</u>				<u>Pasquotank</u>
<u>Watauga</u>				<u>Perquimans</u>
<u>Wilkes</u>				<u>Pitt</u>
<u>Yancey</u>				<u>Tyrrell</u>
				<u>Washington</u>
				<u>Wayne</u>
				<u>Wilson</u>

(b) Mental Health Planning Areas. The agency has assigned the counties of the state to the following Mental Health Planning Areas for purposes of the State Medical Facilities Plan:

MENTAL HEALTH PLANNING AREAS

<u>Area Number</u>	<u>Constituent Counties</u>
<u>1</u>	<u>Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain</u>
<u>2</u>	<u>Buncombe, Madison, Mitchell, Yancey</u>
<u>3</u>	<u>Alleghany, Ashe, Avery, Watauga, Wilkes</u>
<u>4</u>	<u>Henderson, Transylvania</u>
<u>5</u>	<u>Alexander, Burke, Caldwell, McDowell</u>
<u>6</u>	<u>Rutherford, Polk</u>
<u>7</u>	<u>Cleveland</u>
<u>8</u>	<u>Gaston, Lincoln</u>
<u>9</u>	<u>Catawba</u>
<u>10</u>	<u>Mecklenburg</u>
<u>11</u>	<u>Davie, Iredell, Rowan</u>
<u>12</u>	<u>Cabarrus, Stanly, Union</u>
<u>13</u>	<u>Surry, Yadkin</u>
<u>14</u>	<u>Forsyth, Stokes</u>
<u>15</u>	<u>Rockingham</u>
<u>16</u>	<u>Guilford</u>
<u>17</u>	<u>Alamance, Caswell</u>
<u>18</u>	<u>Orange, Person, Chatham</u>
<u>19</u>	<u>Durham</u>
<u>20</u>	<u>Vance, Granville, Franklin, Warren</u>
<u>21</u>	<u>Davidson</u>
<u>22</u>	<u>Anson, Hoke, Montgomery, Moore, Richmond</u>
<u>23</u>	<u>Bladen, Columbus, Robeson, Scotland</u>
<u>24</u>	<u>Cumberland</u>
<u>25</u>	<u>Lee, Harnett</u>
<u>26</u>	<u>Johnston</u>
<u>27</u>	<u>Wake</u>
<u>28</u>	<u>Randolph</u>

PROPOSED RULES

- | | |
|----|--|
| 29 | <u>Brunswick, New Hanover, Pender</u> |
| 30 | <u>Onslow</u> |
| 31 | <u>Wayne</u> |
| 32 | <u>Wilson, Greene</u> |
| 33 | <u>Edgecombe, Nash</u> |
| 34 | <u>Halifax</u> |
| 35 | <u>Carteret, Craven, Jones, Pamlico</u> |
| 36 | <u>Lenoir</u> |
| 37 | <u>Pitt</u> |
| 38 | <u>Bertie, Gates, Hertford, Northampton</u> |
| 39 | <u>Beaufort, Hyde, Martin, Tyrrell, Washington</u> |
| 40 | <u>Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans</u> |
| 41 | <u>Duplin, Sampson</u> |

(c) Mental Health Planning Regions. The agency has assigned the counties of the state to the following Mental Health Planning Regions for purposes of the State Medical Facilities Plan:

MENTAL HEALTH PLANNING REGIONS (Area Number and Constituent Counties)

Western (W)

- | | |
|----|---|
| 1 | <u>Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain</u> |
| 2 | <u>Buncombe, Madison, Mitchell, Yancey</u> |
| 3 | <u>Alleghany, Ashe, Avery, Watauga, Wilkes</u> |
| 4 | <u>Henderson, Transylvania</u> |
| 5 | <u>Alexander, Burke, Caldwell, McDowell</u> |
| 6 | <u>Rutherford, Polk</u> |
| 7 | <u>Cleveland</u> |
| 8 | <u>Gaston, Lincoln</u> |
| 9 | <u>Catawba</u> |
| 10 | <u>Mecklenburg</u> |
| 11 | <u>Davie, Iredell, Rowan</u> |
| 12 | <u>Cabarrus, Stanly, Union</u> |

North Central (NC)

- | | |
|----|---|
| 13 | <u>Surry, Yadkin</u> |
| 14 | <u>Forsyth, Stokes</u> |
| 15 | <u>Rockingham</u> |
| 16 | <u>Guilford</u> |
| 17 | <u>Alamance, Caswell</u> |
| 18 | <u>Orange, Person, Chatham</u> |
| 19 | <u>Durham</u> |
| 20 | <u>Vance, Granville, Franklin, Warren</u> |

South Central (SC)

- | | |
|----|---|
| 21 | <u>Davidson</u> |
| 22 | <u>Anson, Hoke, Montgomery, Moore, Richmond</u> |
| 23 | <u>Bladen, Columbus, Robeson, Scotland</u> |
| 24 | <u>Cumberland</u> |
| 25 | <u>Lee, Harnett</u> |
| 26 | <u>Johnston</u> |
| 27 | <u>Wake</u> |
| 28 | <u>Randolph</u> |

Eastern (E)

- | | |
|----|---------------------------------------|
| 29 | <u>Brunswick, New Hanover, Pender</u> |
|----|---------------------------------------|

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- 30 Onslow
- 31 Wayne
- 32 Wilson, Greene
- 33 Edgecombe, Nash
- 34 Halifax
- 35 Carteret, Craven, Jones, Pamlico
- 36 Lenoir
- 37 Pitt
- 38 Bertie, Gates, Hertford, Northampton
- 39 Beaufort, Hyde, Martin, Tyrrell, Washington
- 40 Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans
- 41 Duplin, Sampson

(d) Radiation Oncology Treatment Center Planning Areas. The agency has assigned the counties of the state to the following Radiation Oncology Treatment Center Planning Areas for purposes of the State Medical Facilities Plan:

RADIATION ONCOLOGY TREATMENT CENTER PLANNING AREAS

Area Number	Constituent Counties
1	<u>Cherokee, Clay, Graham, Jackson, Macon, Swain</u>
2	<u>Buncombe, Haywood, Madison, McDowell, Mitchell, Yancey</u>
3	<u>Alleghany, Ashe, Avery, Watauga</u>
4	<u>Henderson, Polk, Transylvania</u>
5	<u>Alexander, Burke, Caldwell, Catawba</u>
6	<u>Rutherford, Cleveland, Gaston, Lincoln</u>
7	<u>Mecklenburg, Anson, Union</u>
8	<u>Iredell, Rowan</u>
9	<u>Cabarrus, Stanly</u>
10	<u>Forsyth, Davidson, Davie, Stokes, Surry, Wilkes, Yadkin</u>
11	<u>Guilford, Randolph, Rockingham</u>
12	<u>Alamance, Chatham, Orange</u>
13	<u>Durham, Caswell, Granville, Person, Vance, Warren</u>
14	<u>Moore, Hoke, Lee, Montgomery, Richmond</u>
15	<u>Cumberland, Bladen, Sampson</u>
16	<u>Robeson, Scotland</u>
17	<u>Wake, Franklin, Harnett, Johnston</u>
18	<u>New Hanover, Brunswick, Columbus, Pender</u>
19	<u>Wayne</u>
20	<u>Nash, Halifax, Wilson</u>
21	<u>Craven, Carteret, Onslow, Jones, Pamlico</u>
22	<u>Lenoir, Duplin</u>
23	<u>Pitt, Beaufort, Bertie, Edgecombe, Greene, Hertford, Hyde, Martin, Northampton, Washington</u>
24	<u>Pasquotank, Camden, Chowan, Currituck, Dare, Gates, Perquimans, Tyrrell</u>

(e) Ambulatory Surgical Facility Planning Areas. The agency has assigned the counties of the state to the following Ambulatory Surgical Facility Planning Areas for purposes of the State Medical Facilities Plan:

AMBULATORY SURGICAL FACILITY PLANNING AREAS

Area	Constituent Counties
1	<u>Alamance</u>
2	<u>Alexander, Iredell</u>
3	<u>Alleghany, Surry, Wilkes</u>

4	<u>Anson, Cleveland, Gaston, Mecklenburg, Union</u>
5	<u>Ashe, Avery, Watauga</u>
6	<u>Beaufort, Hyde</u>
7	<u>Bertie, Gates, Hertford</u>
8	<u>Bladen, Cumberland, Robeson, Sampson</u>
9	<u>Brunswick, Columbus, Duplin, New Hanover, Pender</u>
10	<u>Buncombe, Haywood, Madison, Mitchell, Yancey</u>
11	<u>Burke, McDowell, Rutherford</u>
12	<u>Cabarrus, Rowan, Stanly</u>
13	<u>Caldwell, Catawba, Lincoln</u>
14	<u>Camden, Currituck, Dare, Pasquotank, Perquimans</u>
15	<u>Carteret, Craven, Jones, Onslow, Pamlico</u>
16	<u>Caswell, Chatham, Orange</u>
17	<u>Cherokee, Clay, Graham, Jackson, Macon, Swain</u>
18	<u>Chowan, Tyrrell, Washington</u>
19	<u>Davidson, Davie, Forsyth, Stokes, Yadkin</u>
20	<u>Durham, Granville, Person</u>
21	<u>Edgecombe, Halifax, Nash, Northampton</u>
22	<u>Franklin, Harnett, Johnston, Wake</u>
23	<u>Greene, Lenoir, Martin, Pitt</u>
24	<u>Guilford, Randolph, Rockingham</u>
25	<u>Henderson, Polk, Transylvania</u>
26	<u>Hoke, Lee, Montgomery, Moore, Richmond, Scotland</u>
27	<u>Vance, Warren</u>
28	<u>Wayne</u>
29	<u>Wilson</u>

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(1).

.6105 SERVICE AREAS AND PLANNING AREAS

(a) An acute care bed's service area is the acute care bed planning area in which the bed is located. The acute care bed planning areas are the hospital service systems which are defined as follows:

- (1) a group of hospitals located in the same city, or within 10 miles of each other, or in the same county if one or more hospitals in the county are under common ownership; or
- (2) a single hospital that is not included in one of the groups of hospitals described in Subparagraph (a)(1) of this Rule.

(b) A rehabilitation bed's service area is the rehabilitation bed planning area in which the bed is located. The rehabilitation bed planning areas are the health service areas which are defined in 10 NCAC 3R .6104(a).

(c) An ambulatory surgical facility's service area is the ambulatory surgical facility planning area in which the facility is located. The ambulatory surgical facility planning areas are the multi-county groupings as defined in 10 NCAC 3R .6104(e).

(d) A radiation oncology treatment center's and linear accelerator's service area is the radiation oncology treatment center and linear accelerator planning area in which the facility is located. The radiation oncology treatment center and linear accelerator planning areas are the multi-county groupings as defined in 10 NCAC 3R .6104(d).

(e) A nursing care bed's service area is the nursing care bed planning area in which the bed is located. Each of the 100 counties in the State is a separate nursing care bed planning area.

(f) The service area for the demonstration project to establish a nursing care facility for deaf and hard of hearing is the demonstration project planning area. The demonstration project planning area consists of all 100 counties of the State.

(g) A home health agency office's service area is the home health agency office planning area in which the office is located. Each of the 100 counties in the State is a separate home health agency office planning area, except that Cumberland, Hoke, Robeson and Scotland Counties constitute a single multicounty planning area.

(h) A dialysis station's service area is the dialysis station planning area in which the dialysis station is located. Each of the 100 counties in the State is a separate dialysis station planning area.

(i) A hospice's service area is the hospice planning area in which the hospice is located. Each of the 100 counties in the State is a separate hospice planning area.

(j) A hospice inpatient facility bed's service area is the hospice inpatient facility bed planning area in which the bed is located. Each of the 100 counties in the State is a separate hospice inpatient facility bed planning area.

(k) A psychiatric bed's service area is the psychiatric bed planning area in which the bed is located. The psychiatric bed planning areas are the Mental Health Planning Regions which are defined in 10 NCAC 3R .6104(c).

(l) With the exception of chemical dependency detoxification-only beds, a chemical dependency treatment bed's service area is the chemical dependency treatment bed planning area in which the bed is located. The chemical dependency treatment bed planning areas are the Mental Health Planning Regions which are defined in 10 NCAC 3R .6104(c).

(m) A chemical dependency detoxification-only bed's service area is the chemical dependency detoxification-only bed planning area in which the bed is located. The chemical dependency detoxification-only bed planning areas are the Mental Health Planning Areas which are defined in 10 NCAC 3R .6104(b).

(n) An intermediate care bed for the mentally retarded's service area is the intermediate care bed for the mentally retarded planning area in which the bed is located. The intermediate care bed for the mentally retarded planning areas are the Mental Health Planning Areas which are defined in 10 NCAC 3R .6104(b).

Authority G.S. 131E-176(25); 131E-177(l); 131E-183(1).

.6106 REALLOCATIONS AND ADJUSTMENTS

(a) REALLOCATIONS.

- (1) Reallocations shall be made only to the extent that need determinations in 10 NCAC 3R .6107 through .6129 indicate that need exists after the inventories are revised and the need determinations are recalculated.
- (2) Beds or services which are reallocated once in accordance with this Rule shall not be reallocated again. Rather, the Medical Facilities Planning Section shall make any necessary changes in the next annual State Medical Facilities Plan.
- (3) Dialysis stations that are withdrawn, relinquished, not applied for, decertified, denied, appealed, or pending the expiration of the 30 day appeal period shall not be reallocated. Instead, any necessary redetermination of need shall be made in the next scheduled publication of the Semiannual Dialysis Report.
- (4) Appeals of Certificate of Need Decisions on Applications. Need determinations of beds or services for which the CON Section decision has been appealed shall not be reallocated until the appeal is resolved.

(A) Appeals Resolved Prior to August 17: If an appeal is resolved in the calendar year prior to August 17, the beds or services shall not be reallocated by the CON Section; rather the Medical Facilities Planning Section shall make the necessary changes in the next annual State Medical Facilities Plan, except for dialysis stations which shall be processed pursuant to Subparagraph (a)(3) of this Rule.

(B) Appeals Resolved on or After August 17: If the appeal is resolved on or after August 17 in the calendar year, the beds or services, except for dialysis stations, shall be made available for a review period to be determined by the CON Section, but beginning no earlier than 60 days from the date that the appeal is resolved. Notice shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for receipt of new applications.

- (5) Withdrawals and Relinquishments. Except for dialysis stations, a need determination for which a certificate of need is issued, but is subsequently withdrawn or relinquished, is available for a review period to be determined by the Certificate of Need Section, but beginning no earlier than 60 days from:

(A) the last date on which an appeal of the notice of intent to withdraw the certificate could be filed if no appeal is filed,

(B) the date on which an appeal of the withdrawal is finally resolved against the holder, or

(C) the date that the Certificate of Need Section receives from the holder of the certificate of need notice that the certificate has been voluntarily relinquished.

Notice of the scheduled review period for the reallocated services or beds shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for submittal of the new applications.

- (6) Need Determinations for which No Applications are Received.

(A) Services or Beds with Scheduled Review in the Calendar Year on or Before September 1: The Certificate of Need Section shall not reallocate the services or beds in this category for which no applications were received, because the Medical Facilities Planning Section will have sufficient time to make any necessary changes in the determinations of need for these services or beds in the next annual State Medical Facilities Plan, except for dialysis stations.

(B) Services or Beds with Scheduled Review in the Calendar Year After September 1: Except for dialysis stations, a need determination in this category for which no application has been received by the last due date for submittal of applications shall be available to be applied for in the second Category I review period in the next calendar year for the applicable HSA. Notice of the scheduled review period for the reallocated beds or services shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for submittal of new applications.

- (7) Need Determinations not Awarded because Application Disapproved.

(A) Disapproval in the Calendar Year prior to August 17: Need determinations or portions of such need for which applications were submitted but disapproved by the Certificate of Need Section before August 17, shall not be

- reallocated by the Certificate of Need Section. Instead the Medical Facilities Planning Section shall make the necessary changes in the next annual State Medical Facilities Plan if no appeal is filed, except for dialysis stations.
- (B) Disapproval in the Calendar Year on or After August 17: Need determinations or portions of such need for which applications were submitted but disapproved by the Certificate of Need Section on or after August 17, shall be reallocated by the Certificate of Need Section, except for dialysis stations. A need in this category shall be available for a review period to be determined by the Certificate of Need Section but beginning no earlier than 95 days from the date the application was disapproved, if no appeal is filed. Notice of the scheduled review period for the reallocation shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 80 days prior to the due date for submittal of the new applications.
- (8) Reallocation of Decertified ICF/MR Beds. If an ICF/MR facility's Medicaid certification is relinquished or revoked, the ICF/MR beds in the facility shall be reallocated by the Department of Health and Human Services, Division of Facility Services, Medical Facilities Planning Section pursuant to the provisions of the following sub-parts. The reallocated beds shall only be used to convert five-bed ICF/MR facilities into six-bed facilities.
- (A) If the number of five-bed ICF/MR facilities in the mental health planning region in which the beds are located equals or exceeds the number of reallocated beds, the beds shall be reallocated solely within the planning region after considering the recommendation of the Regional Team of Developmental Disabilities Services Directors.
- (B) If the number of five-bed ICF/MR facilities in the mental health planning region in which the beds are located is less than the number of reallocated beds, the Medical Facilities Planning Section shall reallocate the excess beds to other planning regions after considering the recommendation of the Developmental Disabilities Section in the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services. The Medical Facilities Planning Section shall then allocate the beds among the planning areas within those planning regions after considering the recommendation of the appropriate Regional Teams of Developmental Disabilities Services Directors.
- (C) The Department of Health and Human Services, Division of Facility Services, Certificate of Need Section shall schedule reviews of applications for these beds pursuant to Subparagraph (a)(5) of this Rule.
- (b) CHANGES IN NEED DETERMINATIONS.
- (1) The need determinations in 10 NCAC 3R .6107 through .6129 shall be revised continuously throughout the calendar year to reflect all changes in the inventories of:
- (A) the health services listed at G.S. 131E-176(16)f;
- (B) health service facilities;
- (C) health service facility beds;
- (D) dialysis stations;
- (E) the equipment listed at G.S. 131E-176(16)f1; and
- (F) mobile medical equipment;
- as those changes are reported to the Medical Facilities Planning Section. However, need determinations in 10 NCAC 3R .6107 through .6129 shall not be reduced if the relevant inventory is adjusted upward 30 days or less prior to the first day of the applicable review period.
- (2) Inventories shall be updated to reflect:
- (A) decertification of home health agencies or offices, intermediate care facilities for the mentally retarded, and dialysis stations;
- (B) delicensure of health service facilities and health service facility beds;
- (C) demolition, destruction, or decommissioning of equipment as listed at G.S. 131E-176(16)f1 and s;
- (D) elimination or reduction of a health service as listed at G.S. 131E-176(16)f;
- (E) psychiatric beds licensed pursuant to G.S. 131E-184(c);
- (F) certificates of need awarded, relinquished, or withdrawn, subsequent to the preparation of the inventories in the State Medical Facilities Plan; and
- (G) corrections of errors in the inventory as reported to the Medical Facilities Planning Section.
- (3) Any person who is interested in applying for a new institutional health service for which a need determination is made in 10 NCAC 3R .6107 through .6129 may obtain information about updated inventories and need determinations from the Medical Facilities Planning Section.
- (4) Need determinations resulting from changes in inventory shall be available for a review period to be determined by the Certificate of Need Section, but beginning no earlier than 60 days from the date of the action identified in Paragraph (b) of this Rule, except for dialysis stations which shall be determined by the Medical Facilities Planning Section and published in the next Semiannual Dialysis Report. Notice of the scheduled review period for the need determination shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for submittal of the new applications.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6107 ACUTE CARE BED NEED DETERMINATION (REVIEW CATEGORY A)

It is determined that a need exists in Dare County for one acute care hospital of not more than 30 acute care beds. It is determined that no need exists in any other county for additional acute care beds.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6108 REHABILITATION BED NEED DETERMINATION (REVIEW CATEGORY E)

It is determined that there is no need for additional rehabilitation beds.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6109 AMBULATORY SURGICAL FACILITIES NEED DETERMINATION (REVIEW CATEGORY E)

It is determined that there is no need for additional ambulatory surgical facilities, except that a Rural Primary Care Hospital designated by the NC Office of Rural Health Services pursuant to Section 1820(f) of the Social Security Act may apply for a certificate of need to convert existing operating rooms for use as a licensed ambulatory surgical facility.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6110 OPEN HEART SURGERY SERVICES NEED DETERMINATIONS (REVIEW CATEGORY H)

It is determined that there is no need for additional open heart surgery services.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6111 HEART-LUNG BYPASS MACHINES NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for additional heart-lung bypass machines.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6112 FIXED CARDIAC CATHETERIZATION EQUIPMENT AND FIXED CARDIAC ANGIOPLASTY EQUIPMENT NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that a need exists for one additional fixed unit of cardiac catheterization equipment or one additional fixed unit of cardiac angioplasty equipment in each of the hospital service systems served by Cape Fear Valley Medical Center, Moses H. Cone Memorial Hospital, and High Point Regional Hospital, and that these hospitals and any other person may apply for a certificate of need to purchase the units, provided the units will be located in the hospital service system for which the need is identified. This means that any new unit must be located within 10 miles of a hospital within the hospital service system.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6113 MOBILE CARDIAC CATHETERIZATION EQUIPMENT AND MOBILE CARDIAC ANGIOPLASTY EQUIPMENT NEED DETERMINATION (REVIEW CATEGORY H)

There is no need for any additional mobile cardiac catheterization equipment or any additional mobile cardiac angioplasty equipment.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6114 BURN INTENSIVE CARE SERVICES NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for additional burn intensive care services.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6115 POSITRON EMISSION TOMOGRAPHY SCANNERS NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for additional positron emission tomography scanners for purposes other than research.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6116 BONE MARROW TRANSPLANTATION SERVICES NEED DETERMINATION (REVIEW CATEGORY H)

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It is determined that there is no need for additional allogeneic or autologous bone marrow transplantation services.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6117 SOLID ORGAN TRANSPLANTATION SERVICES NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for new solid organ transplant services.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6118 GAMMA KNIFE NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for a gamma knife.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6119 LITHOTRIPTER NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is no need for additional lithotripters.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6120 RADIATION ONCOLOGY TREATMENT CENTERS NEED DETERMINATION (REVIEW CATEGORY H)

It is determined that there is a need for one additional Radiation Oncology Treatment Center in Cabarrus County or Stanly County.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6121 NURSING CARE BED NEED DETERMINATION (REVIEW CATEGORY B)

It is determined that the counties listed in this Rule need additional Nursing Care Beds as specified. There is no need for additional Nursing Care Beds in other counties, except as otherwise provided in 10 NCAC 3R .6122.

<u>County</u>	<u>Number of Nursing Care Beds Needed</u>
<u>Caswell</u>	<u>20</u>
<u>Cabarrus</u>	<u>70</u>
<u>Rowan</u>	<u>90</u>
<u>Lee</u>	<u>40</u>
<u>Cumberland</u>	<u>90</u>
<u>Martin</u>	<u>20</u>

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6122 DEMONSTRATION PROJECT TO ESTABLISH A NURSING CARE FACILITY FOR PERSONS WHO ARE DEAF OR HARD OF HEARING (REVIEW CATEGORY J)

(a) It is determined that 90 nursing care beds are needed for a demonstration project to establish one new nursing care facility for persons who are deaf or hard of hearing.

(b) The project may be developed in any county in the state.

(c) The nursing care beds in this demonstration project shall not be counted in the nursing care bed inventory for the county in which the facility is developed.

(d) Admissions to the nursing care facility shall be restricted to persons who are deaf or hard of hearing. "Hard of hearing" is defined for purposes of the demonstration project as persons with 60 decibel pure tone average in the better ear unaided and with a hearing impairment of sufficient degree to interfere with normal communication, as defined by speech reception thresholds. Hearing assessments used for screening admissions must be performed by a certified audiologist.

(e) The demonstration project shall provide data to evaluate the effectiveness of this type of program, including an annual report to the Long-Term Care Committee and to the Division of Services for the Deaf and the Hard of Hearing with regard to at least the following measures:

(1) Occupancy Rate;

- (2) Utilization by Percentage of Persons who are Deaf and by Percentage of Persons who are Hard of Hearing;
- (3) Patient Origin Data;
- (4) Cost Data, particularly with regard to ancillary communication services and training; and
- (5) Consumer Satisfaction, including ratings from patients and family members.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6123 HOME HEALTH AGENCY OFFICE NEED DETERMINATION (REVIEW CATEGORY F)

It is determined that there is a need for one additional Medicare-certified home health agency office to be located in Cumberland, Hoke, Robeson or Scotland County, to address the special needs of persons who are HIV positive and persons with AIDS from this four county area.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6124 DIALYSIS STATION NEED DETERMINATION

(a) The Medical Facilities Planning Section (MFPS) shall determine need for new dialysis stations two times each calendar year, and shall make a report of such determinations available to all who request it. This report shall be called the North Carolina Semiannual Dialysis Report (SDR). Data to be used for such determinations, and their sources, are as follows:

- (1) Numbers of dialysis patients, by type, county and facility, from the Southeastern Kidney Council, Inc. (SEKC) and the Mid-Atlantic Renal Coalition, Inc. as of December 31, 1997 for the March SDR and as of June 30, 1998 for the September SDR.
- (2) Certificate of need decisions, decisions appealed, appeals settled, and awards, from the Certificate of Need Section, DFS.
- (3) Facilities certified for participation in Medicare, from the Certification Section, DFS.
- (4) Need determinations for which certificate of need decisions have not been made, from MFPS records.

Need determinations in this report shall be an integral part of the State Medical Facilities Plan, as provided in G.S. 131E-183.

(b) Need for new dialysis stations shall be determined as follows:

- (1) County Need
 - (A) The average annual rate (%) of change in total number of dialysis patients resident in each county from the end of 1993 to the end of 1997 is multiplied by the county's 1997 year end total number of patients in the SDR, and the product is added to each county's most recent total number of patients reported in the SDR. The sum is the county's projected total 1998 patients.
 - (B) The percent of each county's total patients who were home dialysis patients at the end of 1997 is multiplied by the county's projected total 1998 patients, and the product is subtracted from the county's projected total 1998 patients. The remainder is the county's projected 1998 in-center dialysis patients.
 - (C) The projected number of each county's 1998 in-center patients is divided by 3.2. The quotient is the projection of the county's 1998 in-center dialysis stations.
 - (D) From each county's projected number of 1998 in-center stations is subtracted the county's number of stations certified for Medicare, CON-approved and awaiting certification, awaiting resolution of CON appeals, and the number represented by need determinations in previous State Medical Facilities Plans or Semiannual Dialysis Reports for which CON decisions have not been made. The remainder is the county's 1998 projected surplus or deficit.
 - (E) If a county's 1998 projected station deficit is 10 or greater and the SDR shows that utilization of each dialysis facility in the county is 80% or greater, the 1998 county station need determination is the same as the 1998 projected station deficit. If a county's 1998 projected station deficit is less than 10 or if the utilization of any dialysis facility in the county is less than 80%, the county's 1998 station need determination is zero.

(2) Facility Need

A dialysis facility located in a county for which the result of the County Need methodology is zero in the reference Semiannual Dialysis Report (SDR) is determined to need additional stations to the extent that:

- (A) Its utilization, reported in the current SDR, is 3.2 patients per station or greater.
- (B) Such need, calculated as follows, is reported in an application for a certificate of need:
 - (i) The facility's number of in-center dialysis patients reported in the previous SDR (SDR₁) is subtracted from the number of in-center dialysis patients reported in the current SDR (SDR₂). The difference is multiplied by 2 to project the net in-center change for one year. Divide the projected net in-center change for the year by the number of in-center patients from SDR₁ to determine the projected annual growth rate.
 - (ii) The quotient from Subpart (b)(2)(B)(i) of this Rule is divided by 12.
 - (iii) The quotient from Subpart (b)(2)(B)(ii) of this Rule is multiplied by the number of months from the most recent month reported in the current SDR until the end of calendar 1998.
 - (iv) The product from Subpart (b)(2)(B)(iii) of this Rule is multiplied by the number of the facility's in-center patients reported in the current SDR and that product is added to such reported number of in-center patients.

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(v) The sum from Subpart (b)(2)(B)(iv) of this Rule is divided by 3.2, and from the quotient is subtracted the facility's current number of certified and pending stations as recorded in the current SDR. The remainder is the number of stations needed.

(C) The facility may apply to expand to meet the need established in Subpart (b)(2)(B)(v) of this Rule, up to a maximum of 10 stations.

(c) The schedule for publication of the North Carolina Semiannual Dialysis Report (SDR) and for receipt of certificate of need applications based on each issue of this report in 1998 shall be as follows:

<u>Data for Period Ending</u>	<u>Receipt of SEKC Report</u>	<u>Publication of SDR</u>	<u>Receipt of CON Applications</u>	<u>Beginning Review Dates</u>
<u>Dec. 31, 1997</u>	<u>Feb. 27, 1998</u>	<u>March 20, 1998</u>	<u>May 15, 1998</u>	<u>June 1, 1998</u>
<u>June 30, 1998</u>	<u>Aug. 31, 1998</u>	<u>Sept. 21, 1998</u>	<u>Nov. 13, 1998</u>	<u>Dec. 1, 1998</u>

(d) An application for a certificate of need pursuant to this Rule shall be considered consistent with G.S. 131E-183(a)(1) only if it demonstrates a need by utilizing one of the methods of determining need outlined in this Rule.

(e) An application for a new End Stage Renal Disease facility shall not be approved unless it documents the need for at least 10 stations based on utilization of 3.2 patients per station per week.

(f) Home patients will not be included in determination of need for new stations.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6125 HOSPICE NEED DETERMINATION (REVIEW CATEGORY F)

It is determined that there is no need for additional Hospices.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6126 HOSPICE INPATIENT FACILITY BED NEED DETERMINATION (REVIEW CATEGORY F)

(a) Single Counties. Single counties with a projected deficit of six or more beds are determined to have a bed need equal to the projected deficit. It is determined that there is no need for additional single county hospice inpatient facility beds.

(b) Contiguous Counties. It is determined that any combination of two or more contiguous counties taken from the following list shall have a need for new hospice inpatient facility beds if the combined bed deficit for the grouping of contiguous counties totals six or more beds. Each county in a grouping of contiguous counties must have a deficit of at least one and no more than five beds. The need for the grouping of contiguous counties shall be the sum of the deficits in the individual counties. For purposes of this Rule, "contiguous counties" shall mean a grouping of North Carolina counties which includes the county in which the new hospice inpatient facility is proposed to be located and any one or more of the North Carolina counties which have a common border with that county, even if the borders only touch at one point. No county may be included in a grouping of contiguous counties unless it is listed in the following table:

<u>County</u>	<u>Hospice Inpatient Bed Deficit</u>
<u>Ashe</u>	<u>1</u>
<u>Haywood</u>	<u>1</u>
<u>Jackson</u>	<u>1</u>
<u>Rutherford</u>	<u>2</u>
<u>Watauga</u>	<u>1</u>
<u>McDowell</u>	<u>1</u>
<u>Wilkes</u>	<u>1</u>
<u>Yadkin</u>	<u>1</u>
<u>Yancey</u>	<u>1</u>
<u>Alamance</u>	<u>4</u>
<u>Davidson</u>	<u>2</u>
<u>Caswell</u>	<u>1</u>
<u>Rockingham</u>	<u>2</u>
<u>Stokes</u>	<u>1</u>

<u>Surry</u>	<u>2</u>
<u>Cabarrus</u>	<u>2</u>
<u>Gaston</u>	<u>4</u>
<u>Iredell</u>	<u>1</u>
<u>Lincoln</u>	<u>1</u>
<u>Mecklenburg</u>	<u>3</u>
<u>Rowan</u>	<u>1</u>
<u>Stanly</u>	<u>2</u>
<u>Union</u>	<u>2</u>
<u>Chatham</u>	<u>1</u>
<u>Durham</u>	<u>3</u>
<u>Johnston</u>	<u>1</u>
<u>Wake</u>	<u>4</u>
<u>Franklin</u>	<u>1</u>
<u>Vance</u>	<u>1</u>
<u>Hoke</u>	<u>1</u>
<u>Bladen</u>	<u>1</u>
<u>Brunswick</u>	<u>2</u>
<u>Columbus</u>	<u>3</u>
<u>Cumberland</u>	<u>2</u>
<u>Harnett</u>	<u>1</u>
<u>Moore</u>	<u>2</u>
<u>Pender</u>	<u>1</u>
<u>Richmond</u>	<u>3</u>
<u>Montgomery</u>	<u>1</u>
<u>Robeson</u>	<u>1</u>
<u>Scotland</u>	<u>1</u>
<u>Bertie</u>	<u>1</u>
<u>Carteret</u>	<u>1</u>
<u>Craven</u>	<u>1</u>
<u>Duplin</u>	<u>1</u>
<u>Edgecombe</u>	<u>1</u>
<u>Hertford</u>	<u>1</u>
<u>Nash</u>	<u>1</u>
<u>Halifax</u>	<u>1</u>
<u>Onslow</u>	<u>2</u>
<u>Pitt</u>	<u>2</u>
<u>Lenoir</u>	<u>1</u>
<u>Wilson</u>	<u>1</u>

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6127 PSYCHIATRIC BED NEED DETERMINATION (REVIEW CATEGORY C)

It is determined that there is no need for additional psychiatric beds.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6128 CHEMICAL DEPENDENCY TREATMENT BED NEED DETERMINATION (REVIEW CATEGORY C)

(a) It is determined that there is no need for any additional chemical dependency treatment beds other than detox-only beds for adults. The following table lists the mental health planning areas that need detox-only beds for adults and identifies the number of such beds needed in each planning area. There is no need for additional detox-only beds for adults in any other mental health planning areas.

<u>Mental Health Planning Areas</u> <u>(Constituent Counties)</u>	<u>Mental Health</u> <u>Planning Regions</u>	<u>Number of Detox-Only</u> <u>Beds Needed</u>
<u>1 (Jackson, Haywood, Macon, Cherokee,</u>	<u>W</u>	<u>10</u>

Clay, Graham, Swain)		
4 (Transylvania, Henderson)	W	10
5 (Caldwell, Burke, Alexander, McDowell)	W	10
6 (Rutherford, Polk)	W	10
11 (Rowan, Iredell, Davie)	W	10
13 (Surry, Yadkin)	NC	2
15 (Rockingham)	NC	10
17 (Alamance, Caswell)	NC	6
18 (Orange, Person, Chatham)	NC	2
20 (Vance, Granville, Franklin, Warren)	NC	10
21 (Davidson)	SC	10
23 (Robeson, Bladen, Scotland, Columbus)	SC	5
26 (Johnston)	SC	7
27 (Wake)	SC	26
31 (Wayne)	E	4
32 (Wilson, Greene)	E	10
33 (Edgecombe, Nash)	E	6
34 (Halifax)	E	10
35 (Craven, Jones, Pamlico, Carteret)	E	10
36 (Lenoir)	E	10
38 (Hertford, Bertie, Gates, Northampton)	E	4
39 (Beaufort, Washington, Tyrrell, Hyde, Martin)	E	5
40 (Pasquotank, Chowan, Perquimans, Camden, Dare, Currituck)	E	10
41 (Duplin, Sampson)	E	10

(b) "Detox-only beds for adults" are chemical dependency treatment beds that are occupied exclusively by persons who are 18 years of age or older who are experiencing physiological withdrawal from the effects of alcohol or other drugs.

(c) The county or counties which comprise each mental health planning area are listed in 10 NCAC 3R .6104(b).

(d) Detox-only beds for adults may be developed outside of the mental health planning area in which they are needed if:

- (1) The beds are developed in a contiguous mental health planning area that is within the same mental health planning region, as defined by 10 NCAC 3R .6104(c); and
- (2) The program board in the planning area in which the beds are needed and the program board in the planning area in which the beds are to be developed each adopt a resolution supporting the development of the beds in the contiguous planning area.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6129 INTERMEDIATE CARE BEDS FOR THE MENTALLY RETARDED NEED DETERMINATION (REVIEW CATEGORY C)

Intermediate Care Beds for the Mentally Retarded. It is determined that the mental health planning areas listed in the following table need additional Intermediate Care Beds for the Mentally Retarded ("ICF/MR beds"). The table identifies the number of new child and adult ICF/MR beds needed by each of the listed planning areas. In all but the Forsyth-Stokes Mental Health Planning Area, the new ICF/MR beds shall only be used to convert existing five-bed ICF/MR facilities into six-bed facilities. In the Forsyth-Stokes Mental Health Planning Area, the ICF/MR bed shall be used only for a one-bed addition to an existing ICF/MR facility of nine beds or less. The addition of a bed must result in the reduction of "per client costs." There is no need for new ICF/MR facilities or for any additional ICF/MR beds in any other mental health planning areas, except as provided in Rule 10 NCAC 3R .6106(a)(8).

Mental Health Planning Area (Constituent Counties)	Need	
	Determination	
	Child	Adult
8 (Gaston-Lincoln)	0	1
10 (Mecklenburg)	0	2
14 (Forsyth, Stokes)	0	1
21 (Davidson)	0	1
24 (Cumberland)	0	1
37 (Pitt)	0	1

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6130 POLICIES FOR GENERAL ACUTE CARE HOSPITALS

(a) Use of Licensed Bed Capacity Data for Planning Purposes. For planning purposes the number of licensed beds shall be determined by the Division of Facility Services in accordance with standards found in 10 NCAC 3C .6200 and .3102(d).

(b) Utilization of Acute Care Hospital Bed Capacity. Conversion of underutilized hospital space to other needed purposes shall be considered an alternative to new construction. Hospitals falling below utilization targets in Paragraph (e) of this Rule are assumed to have underutilized space. Any such hospital proposing new construction must clearly demonstrate that it is more cost-effective than conversion of existing space.

(c) Exemption from Plan Provisions for Certain Academic Medical Center Teaching Hospital Projects. Projects for which certificates of need are sought by academic medical center teaching hospitals may qualify for exemption from provisions of 10 NCAC 3R .6107 through .6129.

(1) The State Medical Facilities Planning Section shall designate as an Academic Medical Center Teaching Hospital any facility whose application for such designation demonstrates the following characteristics of the hospital:

- (A) Serves as a primary teaching site for a school of medicine and at least one other health professional school, providing undergraduate, graduate and postgraduate education.
- (B) Houses extensive basic medical science and clinical research programs, patients and equipment.
- (C) Serves the treatment needs of patients from a broad geographic area through multiple medical specialties.

(2) Exemption from the provisions of 10 NCAC 3R .6107 through .6129 shall be granted to projects submitted by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990 which projects comply with one of the following conditions:

- (A) Necessary to complement a specified and approved expansion of the number or types of students, residents or faculty, as certified by the head of the relevant associated professional school; or
- (B) Necessary to accommodate patients, staff or equipment for a specified and approved expansion of research activities, as certified by the head of the entity sponsoring the research; or
- (C) Necessary to accommodate changes in requirements of specialty education accrediting bodies, as evidenced by copies of documents issued by such bodies.

(d) Reconversion to Acute Care. Facilities redistributing beds from acute care bed capacity to rehabilitation or psychiatric use shall obtain a certificate of need to convert this capacity back to acute care. Application for reconversion of acute care beds converted to psychiatry or rehabilitation back to acute care beds shall be evaluated against the hospital's utilization in relation to the target occupancies for acute care beds shown below, without regard to the acute care bed need determinations shown in 10 NCAC 3R .6107.

<u>Licensed Bed Capacity</u>	<u>Percent Occupancy</u>
<u>1 - 49</u>	<u>65%</u>
<u>50 - 99</u>	<u>70%</u>
<u>100 - 199</u>	<u>75%</u>
<u>200 - 699</u>	<u>80%</u>
<u>700 +</u>	<u>81.5%</u>

(e) Replacement of Acute Care Bed Capacity. The evaluation of proposals for either partial or total replacement of acute care beds (i.e., construction of new space for existing acute care beds) shall be evaluated against the utilization of the total number of acute care beds in the applicant's hospital in relation to the target occupancy of the total number of beds in that hospital which is determined as follows:

<u>Total Licensed Acute Care Beds</u>	<u>Target Occupancy (Percent)</u>
<u>1 - 49</u>	<u>65%</u>
<u>50 - 99</u>	<u>70%</u>
<u>100 - 199</u>	<u>75%</u>
<u>200 - 699</u>	<u>80%</u>
<u>700 +</u>	<u>81.5%</u>

(f) Allogeneic Bone Marrow Transplantation Services. Allogeneic bone marrow transplants shall be provided only in facilities having the capability of doing HLA matching and of management of patients having solid organ transplants. At their present stage of development it is determined that allogeneic bone marrow transplantation services shall be limited to Academic Medical Center Teaching Hospitals.

(g) Solid Organ Transplantation Services. Solid organ transplant services shall be limited to Academic Medical Center Teaching Hospitals at this stage of the development of this service.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6131 POLICIES FOR INPATIENT

REHABILITATION SERVICES

(a) After applying other required criteria, when superiority among two or more competing rehabilitation facility certificate of need applications is uncertain, favorable consideration shall be given to proposals that make rehabilitation services more accessible to patients and their families or are part of a comprehensive regional rehabilitation network.

(b) Rehabilitation care which can be provided in an outpatient or home setting shall be provided in these settings. All new inpatient rehabilitation programs are required to provide comprehensive outpatient rehabilitation services as part of their service delivery programs.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6132 POLICY FOR AMBULATORY SURGICAL FACILITIES

Multi-Specialty Ambulatory Surgery. After applying other required criteria, when superiority among two or more competing ambulatory surgical facility certificate of need applications is uncertain, favorable consideration shall be given to "multi-specialty programs" over "specialty programs" in areas where need is demonstrated in 10 NCAC 3R .6109. A multi-specialty ambulatory surgical program means a program providing services in at least three of the following areas: gynecology, otolaryngology, plastic surgery, general surgery, ophthalmology, orthopedics, urology, and oral surgery. An ambulatory surgical facility shall provide at least two designated operating rooms with general anesthesia capabilities, and at least one designated recovery room.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6133 POLICY FOR PROVISION OF HOSPITAL-BASED LONG-TERM NURSING CARE

(a) A certificate of need may be issued to a hospital which is licensed under G.S. 131E, Article 5, and which meets the conditions set forth in this Paragraph and in 10 NCAC 3R .1100, to convert up to 10 beds from its licensed acute care bed capacity for use as hospital-based long-term nursing care beds without regard to determinations of need in 10 NCAC 3R .6121 if the hospital:

- (1) is located in a county which was designated as non-metropolitan by the US Office of Management and Budget on January 1, 1998; and
- (2) on January 1, 1998, had a licensed acute care bed capacity of 150 beds or less.

The certificate of need shall remain in force as long as the Department of Health and Human Services determines that the hospital is meeting the conditions outlined in this Paragraph.

(b) "Hospital-based long-term nursing care" is defined as long-term nursing care provided to a patient who has been directly discharged from an acute care bed and cannot be immediately placed in a licensed nursing facility because of the unavailability of a bed appropriate for the individual's needs. Determination of the patient's need for hospital-based long-term nursing care shall be made in accordance with criteria and procedures for determining need for long-term nursing care administered by the Division of Medical Assistance and the

Medicare program. Beds developed under this Paragraph are intended to provide placement for residents only when placement in other long-term care beds is unavailable in the geographic area. Hospitals which develop beds under this Paragraph shall discharge patients to other nursing facilities with available beds in the geographic area as soon as possible where appropriate and permissible under applicable law. Necessary documentation including copies of physician referral forms (FL 2) on all patients in hospital-based nursing units shall be made available for review upon request by duly authorized representatives of licensed nursing facilities.

(c) For purposes of this Paragraph, beds in hospital-based long-term nursing care shall be certified as a "distinct part" as defined by the Health Care Financing Administration. Beds in a "distinct part" shall be converted from the existing licensed bed capacity of the hospital and shall not be reconverted to any other category or type of bed without a certificate of need. An application for a certificate of need for reconverting beds to acute care shall be evaluated against the hospital's service needs utilizing target occupancies shown in 10 NCAC 3R .6130(d), without regard to the acute care bed need shown in 10 NCAC 3R .6107.

(d) A certificate of need issued for a hospital-based long-term nursing care unit shall remain in force as long as the following conditions are met:

- (1) the beds shall be certified for participation in the Title XVIII (Medicare) and Title XIX (Medicaid) Programs;
- (2) the hospital discharges residents to other nursing facilities in the geographic area with available beds when such discharge is appropriate and permissible under applicable law;
- (3) patients admitted shall have been acutely ill inpatients of an acute hospital or its satellites immediately preceding placement in the unit.

(e) The granting of beds for hospital-based long-term nursing care shall not allow a hospital to convert additional beds without first obtaining a certificate of need.

(f) Where any hospital, or the parent corporation or entity of such hospital, any subsidiary corporation or entity of such hospital, or any corporation or entity related to or affiliated with such hospital by common ownership, control or management:

- (1) applies for and receives a certificate of need for long-term care bed need determinations in 10 NCAC 3R .6121; or
- (2) currently has nursing home beds licensed as a part of the hospital under G.S. 131E, Article 5; or
- (3) currently operates long-term care beds under the Federal Swing Bed Program (P.L. 96-499).

such hospital shall not be eligible to apply for a certificate of need for hospital-based long-term care nursing beds under this Rule. Hospitals designated by the State of North Carolina as Rural Primary Care Hospitals pursuant to Section 1820(f) of the Social Security Act, as amended, which have not been allocated long-term care beds under provisions of G.S. 131E-175 through 131E-190, may apply to develop beds under this Paragraph. However, such hospitals shall not develop long-term care beds both to meet needs determined in 10 NCAC 3R .6121 and this

Paragraph.

(g) Beds certified as a "distinct part" under this Paragraph shall be counted in the inventory of existing long-term care beds and used in the calculation of unmet long-term care bed need for the general population of a planning area. Applications for certificates of need pursuant to this Paragraph shall be accepted only for the February 1 review cycle. Beds awarded under this Paragraph shall be deducted from need determinations for the county as shown in 10 NCAC 3R .6121. Continuation of this Rule shall be reviewed and approved by the Department of Health and Human Services annually. Certificates of need issued under policies analogous to this policy in State Medical Facilities Plans subsequent to the 1986 State Medical Facilities Plan are automatically amended to conform with the provisions of this Paragraph. The Department of Health and Human Services shall monitor this program and ensure that patients affected by this Paragraph are receiving appropriate services, and that conditions under which the certificate of need was granted are being met.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6134 POLICY FOR NURSING CARE BEDS IN CONTINUING CARE FACILITIES

(a) Qualified continuing care facilities may include from the outset, or add or convert bed capacity for long-term nursing care without regard to the bed need shown in 10 NCAC 3R .6121. To qualify for such exemption, applications for certificates of need shall show that the proposed long-term nursing bed capacity:

(1) Will only be developed concurrently with, or subsequent to construction on the same site, of facilities for both of the following levels of care:

(A) independent living accommodations (apartments and homes) for persons who are able to carry out normal activities of daily living without assistance; such accommodations may be in the form of apartments, flats, houses, cottages, and rooms within a suitable structure;

(B) licensed adult care home beds for use by persons who, because of age or disability require some personal services, incidental medical services, and room and board to assure their safety and comfort.

(2) Will be used exclusively to meet the needs of persons with whom the facility has continuing care contracts (in compliance with the Department of Insurance statutes and rules) who have lived in a non-nursing unit of the continuing care facility for a period of at least 30 days. Exceptions shall be allowed when one spouse or sibling is admitted to the nursing unit at the time the other spouse or sibling moves into a non-nursing unit, or when the medical condition requiring nursing care was not known to exist or be imminent when the individual became a party to the continuing care contract. Financial consideration paid by persons purchasing a continuing care contract shall be

equitable between persons entering at the independent living and licensed adult care home levels of care.

(3) Reflects the number of beds required to meet the current or projected needs of residents with whom the facility has an agreement to provide continuing care, after making use of all feasible alternatives to institutional nursing care.

(4) Will not be certified for participation in the Medicaid program.

(b) One half of the long-term nursing beds developed under this exemption shall be excluded from the inventory used to project bed need for the general population. Certificates of need issued under policies analogous to this policy in State Medical Facilities Plans subsequent to the 1985 SMFP are automatically amended to conform with the provisions of this Paragraph. Certificates of need awarded pursuant to the provisions of Chapter 920, Session Laws 1983, or Chapter 445, Session Laws 1985 shall not be amended.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6135 POLICY FOR DETERMINATION OF NEED FOR ADDITIONAL NURSING BEDS IN SINGLE PROVIDER COUNTIES

When a long-term care facility with fewer than 80 nursing care beds is the only nursing care facility within a county, it may apply for a certificate of need for additional nursing beds in order to bring the minimum number of beds available within the county to no more than 80 nursing beds without regard to the nursing bed need determination for that county as listed in 10 NCAC 3R .6121.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6136 POLICY FOR RELOCATION OF CERTAIN NURSING FACILITY BEDS

A certificate of need to relocate existing licensed nursing facility beds to another county(ies) may be issued to a facility licensed as a nursing facility under G.S. 131E, Article 6, Part A, provided that the conditions set forth in this Paragraph and in 10 NCAC 3R .1100 and the review criteria in G.S. 131E-183(a) are met.

(1) A facility applying for a certificate of need to relocate nursing facility beds shall demonstrate that:

(a) it is a non-profit nursing facility supported by and directly affiliated with a particular religion and that it is the only nursing facility in North Carolina supported by and affiliated with that religion;

(b) the primary purpose for the nursing facility's existence is to provide long-term care to followers of the specified religion in an environment which emphasizes religious customs, ceremonies, and practices;

(c) relocation of the nursing facility beds to one or more sites is necessary to more effectively provide long-term nursing care to followers of the specified religion in an environment which

emphasizes religious customs, ceremonies, and practices:

- (d) the nursing facility is expected to serve followers of the specified religion from a multi-county area; and
- (e) the needs of the population presently served shall be met adequately pursuant to G.S. 131E-183.
- (2) Exemption from the provisions of 10 NCAC 3R .6121 shall be granted to a nursing facility for purposes of relocating existing licensed nursing beds to another county provided that it complies with all of the criteria listed in this Rule.
- (3) Any certificate of need issued under this Rule shall be subject to the following conditions:
 - (a) the nursing facility shall relocate beds in at least two stages over a period of at least six months; and
 - (b) the nursing facility shall provide a letter to the Medical Facilities Licensure Section, on or before the date that the first group of beds are relocated, irrevocably committing the facility to relocate all of the nursing facility beds for which it has a certificate of need to relocate; and
 - (c) subsequent to providing the letter to the Medical Facilities Licensure Section described in Subitem (3)(b) of this Rule, the nursing facility shall accept no new patients in the beds which are being relocated, except new patients who, prior to admission, indicate their desire to transfer to the facility's new location(s).

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6137 POLICY FOR HOME HEALTH SERVICES

Need Determination Upon Termination of County's Sole Home Health Agency. When a home health agency's board of directors, or in the case of a public agency, the responsible public body, votes to discontinue the agency's provision of home health services; and

- (1) the agency is the only home health agency with an office physically located in the county; and
- (2) the agency is not being lawfully transferred to another entity;

need for a new home health agency office in the county is thereby established through this Rule. Following receipt of written notice of such decision from the home health agency's chief administrative officer, the Certificate of Need Section shall give public notice of the need for one home health agency office in the county, and the dates of the review of applications to meet the need. Such notice shall be given no less than 45 days prior to the final date for receipt of applications in a newspaper serving the county and to home health agencies located outside the county reporting serving county patients in the most recent licensure applications on file.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6138 POLICY FOR END-STAGE RENAL DISEASE DIALYSIS SERVICES

Relocation of Dialysis Stations. Relocations of existing dialysis stations are allowed only within the host county and to contiguous counties currently served by the facility. Certificate of need applicants proposing to relocate dialysis stations shall:

- (1) demonstrate that the proposal shall not result in a deficit in the number of dialysis stations in the county that would be losing stations as a result of the proposed project, as reflected in the most recent Semiannual Dialysis Report; and
- (2) demonstrate that the proposal shall not result in a surplus of dialysis stations in the county that would gain stations as a result of the proposed project, as reflected in the most recent Semiannual Dialysis Report.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6139 POLICIES FOR PSYCHIATRIC INPATIENT FACILITIES

(a) Transfer of Beds from State Psychiatric Hospitals to Community Facilities. Beds in the State psychiatric hospitals used to serve short-term psychiatric patients may be relocated to community facilities. However, before beds are transferred out of the State psychiatric hospitals, appropriate services and programs shall be available in the community. State hospital beds which are relocated to community facilities shall be closed within 90 days following the date the transferred beds become operational in the community. Facilities proposing to operate transferred beds shall commit to serve the type of short-term patients normally placed at the State psychiatric hospitals. To help ensure that relocated beds will serve those persons who would have been served by the State psychiatric hospitals, a proposal to transfer beds from a State hospital shall include a written memorandum of agreement between the area MH/DD/SAS program serving the county where the beds are to be located, the Secretary of Human Resources, and the person submitting the proposal.

(b) Allocation of Psychiatric Beds. A hospital submitting a Certificate of Need application to add inpatient psychiatric beds shall convert excess licensed acute care beds to psychiatric beds. In determining excess licensed acute care beds, the hospital shall subtract the average occupancy rate for its licensed acute care beds over the previous 12-month period from the appropriate target occupancy rate for acute care beds listed in 10 NCAC 3R .6130(d) and multiply the difference by the number of its existing licensed acute care beds.

(c) Linkages Between Treatment Settings. An applicant applying for a certificate of need for psychiatric inpatient facility beds shall document that the affected area mental health, developmental disabilities and substance abuse authorities have been contacted and invited to comment on the proposed services.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6140 POLICY FOR CHEMICAL DEPENDENCY TREATMENT FACILITIES

Linkages Between Treatment Settings. An applicant applying for a certificate of need for chemical dependency treatment facility beds shall document that the affected area mental health, developmental disabilities and substance abuse authorities have been contacted and invited to comment on the proposed services.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

.6141 POLICIES FOR INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED

(a) Determination of Intermediate Care Bed Need for Mentally Retarded/Developmentally Disabled Persons. After applying other required criteria, when superiority among two or more competing ICF/MR certificate of need applications is uncertain, favorable consideration shall be given to counties that do not have ICF/MR group homes when such counties are part of a multi-county area for which a need is shown in 10 NCAC 3R .6129.

(b) Linkages Between Treatment Settings. An applicant applying for a certificate of need for intermediate care facility beds for mentally retarded shall document that the affected area mental health, developmental disabilities and substance abuse authorities have been contacted and invited to comment on the proposed services.

Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b).

Notice is hereby given in accordance with G.S. 150B-21.2 that the Secretary of Health and Human Services intends to amend rule cited as 10 NCAC 14C .1151. Notice of Rule-making Proceedings was published in the Register on December 15, 1997.

Proposed Effective Date: April 1, 1999

Instructions on How to Demand a Public Hearing (must be requested in writing within 15 days of notice): A demand for public hearing must be requested in writing within 15 days of this notice and addressed to Charlotte F. Hall, Division of MH/DD/SAS, 325 N. Salisbury Street, Raleigh, NC 27603-5906.

Reason for Proposed Action: In accordance with Senate Bill 352, Section 11.11(t) of the 1997-554 Session Laws, to enact temporary rules to reduce Medicaid Spending, Fraud, and Abuse; and in that regard to provide proper procedures for enrollees to appeal adverse decisions by a contracting area program as set forth in this Rule. Federal regulation requires that a State plan provide an opportunity for a fair hearing to any person whose claim for assistance is denied or not acted upon promptly.

Comment Procedures: Written comments should be submitted to Charlotte F. Hall, Rule-making Coordinator, Division of Mental Health Developmental Disabilities and Substance Abuse Services, 325 N. Salisbury Street, Albemarle Building, Raleigh, NC 27603-5906.

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 14 - MENTAL HEALTH: GENERAL

SUBCHAPTER 14C - GENERAL RULES

SECTION .1100 - STATE AND FEDERAL FUNDS ADMINISTERED

.1151 CAROLINA ALTERNATIVES

(a) The Division may contract with area programs to implement a managed care program for mental health and substance abuse services for children pursuant to a waiver granted by the Secretary of the United States Department of Health and Human Services in accordance with Title XIX of the Social Security Act, known as the Carolina Alternatives program.

(b) Funding shall be made available through monthly capitation payments received from the Division of Medical Assistance.

(c) Funds shall be awarded and settled based on the provisions in the contract between the Division and the area program.

(d) Enrollees shall have the right to appeal adverse decisions by a contracting area program, which are defined as:

- (1) denial of a request for first-time service or a service other than the current service;
- (2) reduction of a current service;
- (3) suspension of a current service; or
- (4) termination of a current service.

(e) The Division shall comply, and shall insure that contracting area programs comply, with the following appeals procedures:

(1) Notification letter:

(A) The area program shall send, via regular mail or pass by hand, a notification letter at the time of service authorization or at another time not later than 10 working days before the date of the action (reduction, suspension or termination).

(B) The area program shall mail the notification letter the same day as the date of the letter in order to provide the recipient with the legal time period in which to appeal.

(C) When hand delivered, documentation that the individual was given notice shall be represented by the date in the notification letter.

(D) A denial of requested services requires a notification, but is an exception to the 10-day advanced notification requirement.

(2) The notification letter shall contain the following information:

- (A) specific information;
- (B) reasons for the decision;

- (C) Medicaid regulations that support the decision;
 - (D) the right to a State informal and formal hearing on the decision;
 - (E) the right to a hearing when State or Federal law requires a change in service;
 - (F) circumstances in which an expedited appeal may be requested;
 - (G) steps required to start an appeal;
 - (H) circumstances in which Medicaid is continued until a hearing decision. If an individual appeals to the State DMH/DD/SAS or to the Office of Administrative Hearings (OAH) before the effective date of the proposed service reduction, termination, or suspension, noted in the letter, authorization for payment of the individual's current services will continue until a decision is issued; and
 - (I) that if an individual abandons or loses an appeal, the State has the legal right to recover the cost of the disputed treatment, and that such costs are accumulated from the beginning of the date of the service reduction, termination or suspension.
- (3) The notification letter also shall contain treatment continuation information as follows:
- (A) the area program may offer other treatment services when it denies a person's request for a specific treatment.
 - (B) the individual may receive the treatment specifically requested by paying for it.
 - (C) when and if the individual's medical condition changes, the area program will re-evaluate the request for a specific treatment.
- (4) Exceptions to 10-day notification requirement. Notice shall be given no later than the date of the service reduction, termination or suspension where:
- (A) recipient's treating physician changes the service (e.g., discharge from a short term or crisis hospitalization);
 - (B) agency has factual information confirming the death of the enrollee;
 - (C) agency receives a written statement signed by an enrollee that services are no longer desired; or gives information that requires termination or reduction of services and understands that this must be the result of supplying that information;
 - (D) enrollee has been admitted to a service that is not included in the approved service network; and
 - (E) location of the enrollee is unknown as certified by the post office.
- (f) Requesting a State Informal Hearing:
- (1) Medicaid recipients have a right to an informal hearing by an impartial hearing officer at the Division of Mental Health, Developmental Disabilities and Substance Abuse Services (DMH/DD/SAS).
 - (2) This right shall be secured by returning the appeal form (included with the notification letter) to the State DMH/DD/SAS.
- (3) The form may be sent by mail, facsimile, or hand-delivered.
 - (4) Upon receipt of an informal appeal request, the DMH/DD/SAS shall contact the enrollee and schedule a hearing before a hearing officer within 30 days from receipt of the written request.
 - (5) The DMH/DD/SAS shall inform the enrollee in writing of the hearing date, the hearing procedures, and of their legal rights during the hearing.
 - (6) The DMH/DD/SAS promptly shall inform the area program of the appeal. With the enrollee's permission, the area program shall contact the enrollee within three working days of notification from DMH/DD/SAS to begin its impartial dispute resolution process:
 - (A) Each area program shall have an informal dispute resolution process that is approved in writing by DMH/DD/SAS; and
 - (B) The process shall include both impartial dispute resolution and impartial clinical/medical review.
 - (7) Informal hearing procedure:
 - (A) The enrollee has the right to an in-person hearing. Before the hearing, the enrollee has the right to review the case file and all records that will be used at the hearing.
 - (B) The enrollee shall not be denied access to review these documents.
 - (C) All written material that the enrollee or his representative want presented at the hearing must be received by the Division hearing office at least five days before the scheduled hearing.
 - (D) If the enrollee or his representative fails to appear at the scheduled hearing, without good cause, the hearing still will be held. "Good cause" means circumstances beyond the control of the enrollee or his representative.
 - (E) If at any time during the process the enrollee's medical condition worsens and the enrollee is re-evaluated for authorization for the current or higher service, the informal appeal shall be concluded in favor of the enrollee.
 - (F) The hearing officer shall give appropriate consideration to all matters and documents presented either by the enrollee or by the area program. Witnesses shall not be required to take an oath before making a statement.
 - (G) Neither the North Carolina Rules of Evidence, the Federal Rules of Evidence, the North Carolina Rules of Civil Procedure, nor the Federal Rules of Civil Procedure shall govern the hearing procedures.
 - (H) The hearing officer shall insure that the hearing is conducted in a fair, impartial, and non-adversarial manner.
 - (I) The hearing officer shall issue a written

decision of his findings and conclusions, and shall send a copy to the enrollee and to the area program. The written decision shall notify the enrollee of the right to appeal an adverse decision to the Office of Administrative Hearings (OAH) and the time period within which such appeal must be filed. The written decision shall include a Petition for Contested Case Hearing appropriate for filing at OAH.

(8) **State Formal Hearing:**

- (A) The enrollee has the right to appeal an adverse decision by an area program directly to the OAH for a formal, evidentiary hearing.
- (B) The enrollee also may appeal a DMH/DD/SAS hearing officer's adverse decision to OAH.
- (C) Either appeal must be filed in accordance with G.S. 150B.
- (D) If an enrollee appeals an area program adverse decision directly to OAH before the effective date of the proposed reduction, termination, or suspension, authorization for the current service will continue until a Recommended Decision is issued by OAH.
- (E) If an enrollee appeals an area program adverse decision after the effective date of the proposed reduction, termination, or suspension, the area program is not required to continue authorization for the current service.
- (F) If an enrollee appeals the DMH/DD/SAS hearing officer's decision to OAH, the area program is required to continue or reinstate authorization for the current service until a Recommended Decision is issued by OAH.
- (G) If an enrollee appeals an area program adverse decision after the effective date of the proposed reduction, termination, or suspension, the area program is not required to continue authorization for the current service.

(9) **Recovery Procedures:** If an enrollee abandons an appeal, or if after an appeal through OAH, the DMH/DD/SAS Final Agency Decision upholds the area program's adverse decision, the State may commence to recover the financial costs of any unauthorized services furnished to the enrollee as the result of taking the appeal. Financial costs accumulate from the area program's proposed date of service reduction, termination or suspension.

(10) **Expedited Appeals:**

- (A) Emergency appeals may be initiated by oral or written communication to the area program or to the DMH/DD/SAS. To start an emergency appeal the enrollee or his legally responsible person must attest, and a reasonably prudent person must believe, that services are urgently needed and the failure to provide them promptly or to continue them might reasonably cause deterioration, or impair improvement, in the enrollee's medical condition.

(B) The area program shall conduct an expedited review within 24 hours of receipt of the request, and if its review upholds the adverse decision, the area program shall directly forward its decision and a copy of all relevant medical records to the DMH/DD/SAS.

(C) The DMH/DD/SAS shall issue its decision within two working days of the enrollee's request for expedited review.

(D) The area program is required to continue authorization for the current service through an expedited appeal until the appeal is abandoned or OAH issues a Recommended Decision.

Authority G.S. 122C-14; 122C-143.1; 122C-143.2; 122C-147; 122C-147.1; 122C-147.2; 42 C.F.R. 431; Social Security Act, Waiver under Sections 1915(b(1)) and (b)(4).

Notice is hereby given in accordance with G.S. 150B-21.2 that the Social Services Commission intends to amend the rules cited as 10 NCAC 42C .3401, .3403, .3404, .3601. Notice of Rule-making Proceedings was published in the Register on January 2, 1998.

Proposed Effective Date: April 1, 1999

A Public Hearing will be conducted at 10:00 a.m. on September 9, 1998 at the Albermarle Building, Room 943-2, 325 North Salisbury Street, Raleigh, NC 27603.

Reason for Proposed Action: To adopt as permanent rules the temporary version of the licensure rules governing adult care homes which were adopted pursuant to Senate Bill 53.

Comment Procedures: Anyone wishing to comment on these proposed rules should contact Sharnese Ransome, Special Assistant to the Director, NC Division of Social Services, 325 N. Salisbury Street, Raleigh, NC 27603, (919) 733-3055.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 42 - INDIVIDUAL AND FAMILY SUPPORT

SUBCHAPTER 42C - LICENSING OF FAMILY CARE HOMES

SECTION .3400 - LICENSING INFORMATION

.3401 THE LICENSE

(a) The license ~~will~~ shall be issued by the Division of Facility Services ~~when, in the Division's judgment, when~~ minimum requirements for licensing have been met under the rules of this

Subchapter. ~~It must~~ The license shall be conspicuously posted in a public place in the home.

(b) The license shall be in effect for 12 months from the date of issuance unless revoked for cause, voluntarily or involuntarily terminated, or changed to provisional licensure status.

(c) A provisional license may be issued in accordance with the following: G.S. 131D-2(b).

- (1) ~~A provisional license may be issued by the Division of Facility Services to a newly licensed facility or to a facility undergoing a planned change of administrator when there are minor deficiencies which would not endanger the health, safety or well-being of residents;~~
- (2) ~~A provisional license may be issued to a facility when violations of the rules of this Subchapter endanger the health, safety or well-being of residents, or when the administrator fails to submit a plan of correction where lesser infractions have been cited, or when corrections have not been fully made in accordance with the administrator's approved plan of correction;~~
- (3) ~~The monitoring and licensing process begins with the county department of social services citing all violations of the rules of this Subchapter and requesting the home to prepare a plan of correction. Upon approving the plan of correction, the county department of social services will monitor the home's compliance with the approved plan through follow-up visits to the home. If the planned corrections have not been made within the time agreed to by the administrator and approved by the county department of social services, the county department will immediately notify the Division of Facility Services and request its assistance in assuring compliance;~~
- (4) ~~When it is alleged by the county department of social services that a facility is out of compliance with the rules of this Subchapter and that one of the conditions mentioned in Subparagraphs (c)(1) and (2) applies, the Division of Facility Services will provide written notification to the administrator of the alleged facts or alleged conduct which may warrant the issuance of a provisional license. This notice will also announce the forthcoming visit by a consultant of the Division of Facility Services to the facility to provide the administrator with an opportunity to show the home's compliance with the rules of this Subchapter;~~
- (5) ~~Based on the consultant's findings regarding the alleged facts or alleged conduct which are to be shared in writing with the administrator, the Division of Facility Services may notify the administrator of the discontinuance of the plan of correction based on finding no violations, or extend the time allowed to correct the violations if there is just cause, or issue a provisional license to the home;~~
- (6) ~~If a provisional license is issued, the Division of Facility Services will provide the administrator with a written notice specifying the reasons for the provisional license, the corrective action needed, the time frame and any other conditions imposed;~~
- (7) ~~A provisional license may be issued for a duration of~~

~~not less than 30 days nor more than 90 days. If the Division of Facility Services finds just cause for a home's failure to correct all violations within the initial time period, it may extend the provisional license an additional 30 to 90 days. Additional extensions of between 30 to 90 days may be allowed but in no case will a home be permitted to remain on extended provisional status for more than one year;~~

- (8) ~~If a home has held a provisional license for one year, its license will terminate on the anniversary date of the initial issuance of the provisional license on the basis of its continued failure to comply with the rules of this Subchapter;~~
- (9) ~~The administrator is responsible for notifying the Division of Facility Services through the county department of social services when it has corrected all violations. The Division of Facility Services must verify corrections within 10 working days of the notification and reissue the home's original license if corrections are confirmed;~~
- (10) ~~During the time period in which a provisional license is initially issued, staff of the county department of social services and the Division of Facility Services will concentrate their efforts to provide the home with consultation and technical assistance through frequent visits to the facility and conferences with the administrator. The purposes of this contact are to aid the home in its efforts to achieve full compliance with the rules of this Subchapter, to make the home well aware of the consequences of non-compliance, and to document the home's progress toward compliance; and~~
- (11)(d) ~~When a provisional license is issued, the administrator must~~ shall ~~post the licensure document~~ provisional license and a copy of the notice from the Division of Facility Services identifying the reasons for it, in place of the full license.

Authority G.S. 131D-2; 143B-153.

.3403 TERMINATION OF LICENSE

(a) The Division of Facility Services shall take action to ~~license will automatically terminate the license~~ when one of the following situations exist:

- (1) ~~change of administrator~~ ownership of the adult care home business; or due to illness, retirement, death, personal request, or any other reason;
- (2) ~~change of location of home;~~ home.
- (3) ~~sale or lease of home by administrator;~~
- (4) ~~anniversary date of provisional license held continuously for one year;~~
- (5) ~~required licensing renewal materials are not received by the Division of Facility Services by expiration date.~~

(b) The license is not transferable or assignable.

(c) The unexpired license shall be returned to the state Division of Facility Services by the county department of social services with the following information:

- (1) reason for closing.
- (2) date of closing.
- (3) plans made for residents.

(d) When an administrator ~~the owner of the adult care home business~~ voluntarily closes his home, a signed statement to this effect ~~must~~ shall be submitted to the county department of social services who ~~will~~ shall immediately forward the statement to the Division of Facility Services. The ~~Administrator owner or his designee~~ must shall give at least 30 days prior notice of the closing to the county department of social services and the residents or their responsible persons.

Authority G.S. 131D-2; 143B-153.

.3404 DENIAL AND REVOCATION OF LICENSE

(a) A license may be denied ~~or revoked~~ by the Division of Facility Services ~~at any time~~ for substantial failure to comply with the rules of this Subchapter.

(b) Denial ~~or revocation of licensure~~ by the Division of Facility Services shall be effected by mailing to the applicant ~~or license holder~~, by registered mail, a notice setting forth the particular reasons for such action. ~~Such denial or revocation becomes effective 20 days after mailing the notice.~~

(c) A license may be revoked by the Division of Facility Services in accordance with G.S. 131D-2(b) and G.S. 131D-29.

(~~e~~)(d) When a facility receives a notice of revocation, the administrator shall inform each resident and his responsible person of the notice and the basis on which it was issued.

Authority G.S. 131D-2.

SECTION .3600 - ADMINISTRATIVE PENALTY DETERMINATION PROCESS

.3601 ADMINISTRATIVE PENALTY DETERMINATION PROCESS

(a) The county department of social services or the Division of Facility Services shall identify areas of non-compliance resulting from a complaint investigation or monitoring or survey visit which may be violations of residents' rights contained in G.S. 131D-21 or rules contained in this Subchapter. If the county department of social services or the Division of Facility Services decides ~~to recommend an administrative penalty as defined in G.S. 131D-34 that the violation is a Type B violation as defined in G.S. 131D-34(a)(2), it shall require a plan of correction pursuant to G.S. 131D-34(a)(2).~~ If the county department of social services or the Division of Facility Services decides that the violation is a Type A violation as defined in G.S. 131D-34(a)(1), it shall follow the procedure required in G.S. 131D-34(a)(1)(a)-(c) and prepare an administrative penalty proposal for submission to the Department. The proposal shall include a copy of the written confirmation required in G.S. 131D-34(a)(1)(c) and documentation that the licensee was notified of the county department of social services' or the Division of Facility Services' intent to prepare and forward an administrative penalty proposal to the Department; offered an opportunity to provide additional information prior to the preparation of the proposal; after the proposal is prepared, given

a copy of the contents of the proposal; and then extended an opportunity to request a ~~local~~ conference with the ~~county department of social services agency~~ proposing the administrative penalty, allowing the licensee 10 days to respond prior to forwarding the proposal to the Department. The conference, if requested of the county department of social services, shall include the county department director or his designee, management staff. The licensee may request a conference and produce information to cause the ~~county department of social services agency~~ recommending the administrative penalty to change its proposal. The ~~county department of social services agency~~ recommending the administrative penalty may rescind its proposal; or change its proposal and submit it to the Department or submit it unchanged to the Department pursuant to G.S. 131D-34(c2).

(b) An assistant chief of the ~~Domiciliary and Group Care Licensure~~ Section shall receive the proposal, and review it for completeness and evaluate it to determine the penalty amount.

- (1) If the proposal is complete, the assistant chief shall make a decision on the ~~type and~~ amount of penalty to be submitted for consideration and whether to recommend training in lieu of an administrative penalty pursuant to G.S. 131D-34(g1).
- (2) If the proposal is incomplete, the assistant chief shall contact the ~~county department of social services to the agency that submitted the proposal~~ to request necessary changes or additional material.
- (3) When the proposal is complete and ~~a type and the~~ amount of penalty determined, the assistant chief shall forward the proposal to the administrative penalty monitor for processing. If the assistant chief recommends training in lieu of an administrative penalty pursuant to G.S. 131D-34(g1), the recommendation shall be forwarded with the proposal.

(c) The Department shall notify the licensee by certified mail within 10 working days from the time the proposal is received by the administrative penalty monitor that an administrative penalty is being considered.

(d) The licensee shall have 10 working days from receipt of the notification to provide both the Department and the county department of social services any additional information relating to the proposed administrative penalty.

(e) If the penalty recommendation is classified as a Type B violation and is not a repeat violation as defined by G.S. 131D-34, the licensee shall be notified of the type and amount of the penalty and may accept the recommendation instead of review by the Penalty Review Committee. ~~If the penalty recommendation is accepted, the licensee must notify the administrative penalty monitor by certified mail within five working days following receipt of the recommendation. The licensee must include payment of the penalty with the notification. If payment is not received, the recommendation shall be forwarded to the Penalty Review Committee. If a facility fails to correct a Type A or a Type B violation within the time specified on the plan of correction, an assistant chief of the Group Care Licensure Section shall make a decision on the amount of penalty pursuant to G.S. 131D-34(b)(1) and (2) and submit a penalty proposal for consideration by the Penalty~~

Review Committee.

~~(f) The Penalty Review Committee must review a recommended penalty when: it is a Type A violation; is a Type B violation that has been previously cited during the previous 12 months or within the time period of the previous licensure inspection, whichever time is longer; or is a Type B violation as provided in Paragraph (e) of this Rule which is not accepted by the licensee.~~

~~(g) A subcommittee of the Penalty Review Committee consisting of four committee members assigned by the Penalty Review Committee chair shall meet to initially review non-repeat Type B violations. The Penalty Review Committee chair shall appoint the subcommittee chair and shall be an ex-officio member of the Penalty Review committee subcommittee. Providers, complainants, affected parties and any member of the public may attend this meeting. The administrative penalty monitor shall be responsible for informing parties of these meeting dates with the exception that the agency which conducted the complaint investigation shall be responsible for notifying the complainant, if any.~~

~~(h) Time shall be allowed during the Penalty Review committee subcommittee meetings for individual presentations concerning proposed penalties. The total time allowed for presentation concerning each facility, the order in which presenters shall speak and length of presentations shall be determined by the Penalty Review Committee subcommittee chair.~~

~~(i) The administrative penalty monitor shall have five working days from the meeting date to notify the facility and involved parties of penalty recommendations made by the Penalty Review Committee subcommittee with the exception that the agency which conducted the complaint investigation shall be responsible for notifying the complainant, if any. These recommendations including the vote of the Penalty Review Committee subcommittee shall be submitted for review by the full Penalty Review Committee at a meeting scheduled for the following month.~~

~~(j)(f) The full Penalty Review Committee shall consider Type A violations and non-repeat Type A and Type B violations referred by the Penalty Review Committee subcommittee that have not been corrected within the time frame specified on the plan of correction. Providers, complainants, affected parties and any member of the public may attend full Penalty Review Committee meetings. Upon written request of any affected party for reasons of illness or schedule conflict, the department may grant a delay until the following month for Penalty Review Committee review. The Penalty Review Committee chair may ask questions of any of these persons, as resources, during the meeting. Time shall be allowed during the meeting for individual presentations which provide pertinent additional information. The order in which presenters speak and the length of each presentation shall be at the discretion of the Penalty Review Committee chair.~~

~~(k)(g) The Penalty Review Committee and the Penalty Review Committee subcommittee shall have for review the entire record relating to the penalty recommendation. The Penalty Review Committee and the Penalty Review Committee subcommittee and shall make~~

recommendations after review of administrative penalty proposals, any supporting evidence, and any additional information submitted by the licensee as described in Paragraph (d) of this Rule that may have a bearing on the proposal such as documentation not available during the complaint investigation or monitoring or survey visit, action taken to correct the violation and plans to prevent the violation from recurring, and the factors specified in G.S. 131D-34(c).

~~(h)(h)~~ There shall be no taking of sworn testimony nor or cross-examination of anyone during the course of the Penalty Review Committee subcommittee or full Penalty Review Committee meetings.

~~(m)(i)~~ If the Penalty Review Committee determines that the licensee has violated applicable rules or statutes, the Penalty Review Committee shall recommend an administrative penalty type and amount for each violation pursuant to G.S. 131D-34. Recommendations for domiciliary adult care home penalties shall be submitted to the Chief of the Domiciliary and Group Care Licensure Section who shall have five working days from the date of the Penalty Review Committee meeting to determine and impose administrative penalties for each violation or require staff training pursuant to G.S. 131D-34(g) and notify the licensee by certified mail.

~~(n)(j)~~ The licensee shall have 60 days from receipt of the notification to pay the penalty or must file a petition for a contested case with the Office of Administrative Hearings within 30 days of the mailing of the notice of penalty imposition as provided by G.S. 131D-34.

Authority G.S. 131D-2; 131D-34; 143B-153.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Secretary for Health & Human Services intends to adopt the rule cited as 10 NCAC 49B .0315. Notice of Rule-making Proceedings was published in the Register on March 16, 1998.

Proposed Effective Date: April 1, 1999

A Public Hearing will be conducted at 10:00 a.m. on September 9, 1998 at the Albermarle Building, Room 943-2, 325 North Salisbury Street, Raleigh, NC 27603.

Reason for Proposed Action: P.L. 104-193 changed the face of welfare for all states. The most fundamental change was to establish the Temporary Assistance for Needy Families (TANF) Block Grant. In addition to other requirements, the law mandated stricter work participation rates than had been in place under prior law. For FY 1998, 75% of families with two able-bodied parents must be working or participating in a countable work activity an average of 35 hours per week (or 55 hours if child care is provided). The participation rate was 50% under prior law. Further, states who fail to meet this two-parent participation rate stand to lose part of their Temporary Assistance for Needy Families (TANF) Block Grant. This could

be approximately \$15 million in North Carolina although proposed federal regulations may soften this sanction slightly by stating the fiscal sanction would be in the same ratio that two-parent families are of the total Work First families. Two-parent families make up slightly over 2% of the State's total Work First families. So, in North Carolina, the sanction would be approximately 2% of the 5% fiscal sanction.

Comment Procedures: Anyone wishing to comment should contact Sharnese Ransome, APA Coordinator, NC Division of Social Services, 325 N. Salisbury Street, Raleigh, NC 27603, phone (919) 733-3055.

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 49 - AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC)

SUBCHAPTER 49B - EMERGENCY ASSISTANCE

SECTION .0300 - ELIGIBILITY FACTORS

.0315 TWO-PARENT FAMILIES

(a) Assistance Units with two able-bodied parents shall be eligible to receive cash assistance only for months during which the parents meet the federal work participation requirement as described in Section 407 of Public Law 104-193 which is hereby adopted by reference under G.S. 150B-14(c).

(b) The parents shall verify as prescribed by the State, that they have satisfied the federal work requirement. If the assistance unit is otherwise eligible for a payment, the payment shall be made within five calendar days of the date the county receives the parent's verification.

(c) The amount of the cash assistance payment shall be calculated for the month as it is for all other assistance units.

Authority G.S. 108A-25; S.L. 1997-443; P.L. 104-193.

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Water Pollution Control System Operator Certification Commission intends to adopt the rules cited as 15A NCAC 8G .0101-.0102, .0201-.0205, .0301-.0308, .0401-.0409, .0501-.0505, .0601-.0604, .0701, .0801-.0804, .0901-.0902, .1001-.1002, and .1101-.1102 and repeal the rules cited as 15A NCAC 8A .0101, .0202, .0301-.0303; 15A NCAC 8B .0101-.0106, .0108-.0109, .0201-.0205, .0207-.0214, .0301-.0304, .0402, .0404-.0406, .0502-.0506; 15A NCAC 8C .0002, .0004-.0008; and 15A NCAC 8D .0002, .0004-.0006. Notice of Rule-making Proceedings was published in the Register on March 24, 1997.

Proposed Effective Date: April 1, 1999

A Public Hearing will be conducted at 7:00 p.m. on July 30, 1998 at the Archdale Building, Groundfloor Hearing Room, 512 N. Salisbury Street, Raleigh, NC; at 7:00 p.m. on August 11, 1998 at the Asheville-Buncombe Tech. Comm. College, Laurel Auditorium, 340 Victoria Road, Asheville, NC; and at 7:00 p.m. on August 13, 1998 at the City Hall Auditorium, 1 Hatteras Avenue, Havelock, NC.

Reason for Proposed Action: Multiple changes to the rules of the Water Pollution Control Systems Operator Certification Commission over the past several years have left the rules somewhat unorganized. In addition, recent legislation allows the Commission to require the completion of continuing education for certification renewal. These issues, as well as observations from the staff and Commission to make several minor changes to the rules, have prompted the proposed action.

Comment Procedures: Public comment will be accepted during the comment period by Bo McMinn, Division of Water Quality, WPCSOCC, PO Box 29535, Raleigh, NC 27626-0535.

Fiscal Note: These Rules, 15A NCAC 8G .0201, .0204, .0306, .0402 and .0701 do affect the expenditures or revenues of local and State funds.

Fiscal Note: These Rules, 15A NCAC 8G .0101-.0102, .0202-.0205, .0301-.0308, .0401, .0405-.0409, .0501-.0505, .0601-.0604, .0801-.0804, .0901-.0902, .1001-.1002, .1101-.1102 do not affect the expenditures or revenues of local or State funds.

Fiscal Note: These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 8 - WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION

SUBCHAPTER 8A - AUTHORITY; ORGANIZATION; STRUCTURE; DEFINITIONS AND HEARING PROCEDURES

SECTION .0100 - DEFINITIONS AND ORGANIZATION

.0101 DEFINITIONS

(a) "Certification Commission" is the Water Pollution Control System Operators Certification Commission created by G.S. 143B-300.

(b) "Conditional Certificate" is a permanent certificate issued by the Certification Commission to an individual as the result of passing an examination administered by the Certification Commission and which is valid only for a specified type and grade of water pollution control system. It is subject to the provisions of G.S. 90A-40(a).

(c) "Contract Operation Firm" is any commercial water

pollution control system operation firm contracting with water pollution control systems pursuant to G.S. 90A-45(a).

(d) ~~"Operator in Responsible Charge" is the operator designated to fulfill the requirements of G.S. 90A-44.~~

(e) ~~"Owner" is that person, firm, or corporation described in G.S. 90A-44.~~

(f) ~~"Permanent Certificate" is that certificate of competence and experience issued by the Certification Commission to an individual as the result of passing an examination administered by the Certification Commission or issued by the Certification Commission by reciprocity. It is subject to the provisions of G.S. 90A-40(a).~~

(g) ~~"Reciprocity Certificate" is that certification allowed under G.S. 90A-40(b).~~

(h) ~~"Temporary Certificate" is that certificate issued to an individual by the Certification Commission when the conditions of G.S. 90A-40(e) are met.~~

(i) ~~"Water Pollution Control System" is any facility classified under the provisions of G.S. 90A-37.~~

Authority G.S. 90A-37; 90A-38; 90A-40; 90A-44; 90A-45; 143B-300; 150B-2(4).

SECTION .0200 - GENERAL PURPOSE: DUTIES AND REQUIREMENTS: AND PROGRAMS

.0202 DUTIES AND REQUIREMENTS

(a) ~~Refunding of Fees. When refunding of fees becomes necessary, it will be the Commission's responsibility or the responsibility of their designee to determine the fees or portion of fees to be refunded in accordance with 15A NCAC 8B .0502.~~

(b) ~~Requirements for Certified Operators of Systems Permitted Under Rules Adopted by the Environmental Management Commission.~~

(1) ~~The owner must submit a letter to the Certification Commission which either designates the Operator in Responsible Charge and is countersigned by this operator or the Contract Operation Firm which has been engaged to provide operational services and is countersigned by the firm. If a Contract Operation Firm has been engaged, the Contract Operation Firm must submit a letter to the Certification Commission which designates the Operator in Responsible Charge and is countersigned by both the owner and the designed operator. This (these letter(s) must be submitted within 30 days after:~~

- (A) ~~a new water pollution control system is 50 percent completed.~~
- (B) ~~notification of classification or change of classification of an existing system has been received; or~~
- (C) ~~a new operator in responsible charge is designated.~~

(2) ~~Owners of facilities, other than single family systems, are required as of October 1, 1991 to provide an appropriately trained and certified back-up operator of the appropriate type and any grade, to serve as surrogate for the ORC set forth in Paragraph (c)(5)(B)~~

~~and (C) of this Rule when the ORC is unavailable due to illness or vacation, not to exceed 60 days if the back-up operator holds a certificate of a lower grade than the classification of the facility and 90 days if the back-up operator holds a certificate of the same grade as the classification of the facility. If the absence of the ORC will exceed this time period, a new ORC of the appropriate type and grade must be designated for the system. If the absence of the ORC is subject to consideration due to the Family Leave Act, this period shall be extended to 120 days but must be reported to the Commission in writing. The owner must submit a letter to the Certification Commission which either designates the back-up operator and is countersigned by this operator or which designates the Contract Operation Firm which has been engaged to provide operational services and is countersigned by the firm. If a Contract Operation Firm has been engaged, the Contract Operation Firm must submit a letter to the Certification Commission which designates the back-up operator and is countersigned by both the owner and the designated operator. This (these) letter(s) must be submitted within 30 days after:~~

- (A) ~~the system is classified; or~~
- (B) ~~a new back-up operator is designated.~~

(3) ~~The owner must inform the Certification Commission in writing when:~~

- (A) ~~an individual formerly designated as the Operator in Responsible Charge or the back-up operator is no longer serving as the ORC or the back-up operator; or~~
- (B) ~~a Contract Operation Firm formerly designated to be responsible for operation and maintenance is no longer providing the ORC or the back-up operator.~~

(4) ~~A Contract Operation Firm is required to inform the Certification Commission in writing within 30 days when:~~

- (A) ~~an individual formerly designated as the Operator in Responsible Charge or the back-up operator is no longer serving as the ORC or the back-up operator; or~~
- (B) ~~a Contract Operation Firm formerly designated to be responsible for the operation and maintenance is no longer providing the ORC or the back-up operator. This letter shall indicate the date of the change in the status of the Operator in Responsible Charge or back-up operator the Contract Operation Firm and the name of the new designee.~~

(5) ~~In order to qualify as the Operator in Responsible Charge of a particular, water pollution control system, an operator:~~

- (A) ~~must possess one, or more of the certificates listed in Section .0200 of this Subchapter, of the type(s) and grade(s) at least equivalent to the types and classification(s) of the system;~~
- (B) ~~must, if the designated ORC of a wastewater~~

treatment facility, be responsible for, and as of October 1, 1991, must visit each class I wastewater treatment facility and spray irrigation facility at least weekly, and each class II, class III and class IV wastewater treatment facility at least five days per week, excluding holidays, with the exception of single family systems, including Aerobic Treatment Units (ATU's) with a flow of up to 1,500 gallons per day of domestic wastewater, which shall be visited weekly and other classified single family systems which shall be visited a minimum of annually; and shall document visits to the facility; and

- (C) must properly manage and document daily operation and maintenance, certify monitoring and reporting information as prescribed in the permit, and reside within reasonable proximity of the system, to be readily available for consultation, emergencies, regulatory agency inspection and similar matters; and
- (D) may be an employee of a Contract Operation Firm so long as this employee meets all requirements in Paragraphs (c)(5)(A), (B) and (C) of this Rule.

(c) Requirements for Certified Operators of Systems Permitted Under Rules Adopted by the Commission for Health Services or a local board of health.

- (1) The owner shall submit a letter to the local health department serving the county in which the system is located which either designates the Operator in Responsible Charge and is countersigned by this operator, or designates a Contract Operation Firm or Public Management Entity, which has been engaged to provide operational services. If a Contract Operation Firm or Public Management Entity has been engaged, the Contract Operation Firm or Public Management Entity must submit a letter to the local health department which designates the Operator in Responsible Charge and is countersigned by both the owner and the designated operator. This (these) letter(s) must be received prior to the issuance of the operation permit or within 30 days of:

- (A) notification of classification or change of classification of an existing system has been received; or
- (B) a new operator is designated.

- (2) Owners are required to provide an appropriately trained and certified back-up operator of the appropriate type and any grade for any classified wastewater treatment plant, with the exception of Aerobic Treatment Units, to serve as surrogate for the ORC as set forth in Paragraph (d)(5)(B) and (C) of this Rule when the ORC is unavailable due to illness or vacation, not to exceed 60 days if the back-up operator holds a certificate of a lower grade than the classification of the facility and 90 days if the back-up operator holds a certificate of the same grade as the

classification of the facility. If the absence of the ORC will exceed this time period, a new ORC of the appropriate type and grade must be designated for the system. If the absence of the ORC is subject to consideration due to the Family Leave Act, this period shall be extended to 120 days but must be reported to the Commission in writing. The owner must submit a letter to the local health department which either designates the back-up operator and is countersigned by this operator or which designates the Contract Operation Firm or Public Management Entity which has been engaged to provide operational services and is countersigned by the firm.

- (3) Owners are required to inform the local health department in writing when:

- (A) an individual formerly designated as the ORC or the back up operator (if required) is no longer serving as the ORC or the back up operator; or
- (B) a Contract Operation Firm or Public Management Entity, formerly designated to be responsible for operation and maintenance is no longer providing the ORC or the back up operator.

- (4) A Contract Operation Firm or Public Management Entity must notify the local health department in writing within 30 days when:

- (A) an individual formerly designated as the ORC or back-up operator (if required) is no longer performing these duties; or
- (B) a Contract Operation Firm or Public Management Entity formerly designated to be responsible for operation and maintenance is no longer providing the ORC or the back up operator. This letter shall indicate the date of the change in status of the ORC or the back up operator (if required) or the Contract Operation Firm or Public Management Entity and the name of the new designee or Contract Operation Firm or Public Management entity, countersigned by the new ORC or back up operator (if required).

- (5) In order to qualify as Operator in Responsible Charge of a particular system an operator:

- (A) must possess one, or more of the certificates listed in Section .0200 of this Subchapter, of the type(s) and grade(s) at least equivalent to the type(s) and classification(s) of the system.
- (B) must be responsible for and must visit each system as specified in 15A NCAC 18A .1961. The ORC must properly manage and document operation and maintenance; certify monitoring and reporting information as prescribed in the permit and reside within reasonable proximity of the system to be readily available for consultation, emergencies, regulatory agency inspections and similar matters; and
- (C) must, if the designated ORC of a wastewater

treatment facility that is classified as a Class II, Class III or Class IV wastewater treatment facility, must visit each Class II, Class III and Class IV facility at least five days per week, excluding holidays. Aerobic Treatment Units (ATU's) that are used as pretreatment for subsurface disposal of domestic wastewater with a design flow of up to 1,500 gallons per day shall be visited by the ORC on a monthly basis. The ORC shall document the visits made to each facility.

Authority G.S. 90A-37 through 90A-43; 143B-300.

SECTION .0300 - HEARING PROCEDURES

.0301 RULE MAKING PROCEDURES

The Water Pollution Control System Operators Certification Commission incorporates by reference 15A NCAC 1B .0100 for the purpose of its rule making procedures.

Authority G.S. 143B-300.

.0302 CONTESTED CASE PROCEDURES

(a) Administrative hearings shall be held in accordance with G.S. 150B, and the administrative hearing procedures codified at 15A NCAC 1B .0200 et seq., are hereby incorporated by reference including any subsequent amendments and additions.

(b) Copies of 15A NCAC 1B .0200 may be inspected at the offices of the Division of Planning and Assessment, 512 North Salisbury Street, 8th Floor, Archdale Building, Raleigh, North Carolina 27611. Copies may be obtained at the previous location or from the Rules Division of the N.C. Office of Administrative Hearings at a cost set by those offices.

Authority G.S. 143B-300; 150B-2(4).

.0303 PETITIONS FOR REGULATORY ACTIVITY

(a) Any person(s) desiring to request the adoption, amendment, or repeal of a rule may make such request in a petition filed pursuant to G.S. 150B-20, addressed to the Water Pollution Control System Operators Certification Commission and mailed to the Chairman, at P.O. Box 29535, Raleigh, North Carolina, 27626-0535. Such petitions shall contain the following information:

- (1) A draft of the proposed rule or a summary of its intent.
- (2) Reasons for adoption of the proposed rule(s) and effect on existing rules and practices.
- (3) Name and address of the petitioner(s).

(b) Petitions will be placed on the agenda of the next regularly scheduled meeting of the Commission if received at least four weeks prior to the meeting. The Chairman will prepare recommended responses to petitions for the Commission's consideration. Petitions will be considered in accordance with the requirements of G.S. 150B-20.

Authority G.S. 113-134; 143B-289A; 150B-20.

SUBCHAPTER 8B - CERTIFICATION OF OPERATORS

SECTION .0100 - APPLICATION FOR EXAMINATION AND CERTIFICATION: AND NOTIFICATION OF CHANGE IN ADDRESS

.0101 APPLICATION FORM

(a) An application which is designed for requesting certification as a water pollution control system operator by way of examination, temporary certification, reciprocity certification, conditional certification, or conversion from voluntary certification must be properly and accurately completed and submitted with the appropriate fee to the office of the chairman of the Certification Commission.

(b) Incomplete applications and applications not accompanied by appropriate fee and attachments cannot be processed and will be returned to the applicant.

Authority G.S. 90A-39; 90A-42; 143B-300.

.0102 APPLYING FOR EXAMINATION

(a) An application being filed for examination shall be postmarked by the United States Postal Service at least 30 days prior to the date upon which the examination is scheduled to be administered and the appropriate fee must accompany the application.

(b) Upon receipt of the application by the Commission, the application will be reviewed by the designee(s) of the Commission for eligibility to take the examination. The applicant will be notified by letter of their eligibility and will be advised of the date, time and place of the examination. A receipt for the examination fee will accompany the letter. In cases where the applicant is ineligible for examination, the applicant will also be notified by letter and advised the reason for ineligibility. The examination fee will be refunded in the event that the applicant is determined to be ineligible for the examination. Upon learning of ineligibility, the applicant may request a hearing before the certification Commission at the next regularly scheduled meeting, relative to the ineligibility, if the applicant so desires. Such requests must be in writing and shall be submitted at least 30 days prior to the next regularly scheduled meeting. Any applicant who intentionally supplies false information on the application for certification for the purpose of gaining eligibility, will be ineligible for the examination and will forfeit the examination fee. Applicants who have intentionally supplied false information and who have been determined to be ineligible who wish to reapply for certification shall follow the procedure set forth in 15A NCAC 8D-0006.

Authority G.S. 90A-39; 90A-42; 143B-300; 150B-23.

.0103 APPLYING FOR TEMPORARY CERTIFICATION

An application must be filed with appropriate fee and required letter or statement from the owner of the facility.

Authority G.S. 90A-39; 90A-42; 143B-300.

.0104 APPLYING FOR TEMPORARY CERTIFICATION RENEWAL

An application requesting renewal of temporary certification must be filed 60 days prior to the expiration date of the original temporary certification. The appropriate fee and required letter or statement from the owner of the facility must accompany the application.

Authority G.S. 90A-39; 90A-42; 143B-300.

.0105 APPLYING FOR CERTIFICATION BY RECIPROCITY

An application requesting certification by reciprocity must be filed with the appropriate fee and a copy of the certificate of registration issued by the Association of Boards of Certification.

Authority G.S. 90A-39; 90A-40(b); 90A-42.

.0106 APPLYING FOR CONDITIONAL CERTIFICATION

An application requesting a conditional certificate must be filed with the appropriate fee and letter or statement required of the owner of the facility.

Authority G.S. 90A-39; 90A-42(4); 143B-300.

.0108 ADDRESS FOR REQUESTING AND RETURNING APPLICATIONS

Applications are obtainable from and shall be returned to: Chairman, Water Pollution Control System Operators Certification Commission, Department of Environment, Health, and Natural Resources, P.O. Box 29535, Raleigh, North Carolina 27626-0535.

Authority G.S. 90A-39; 90A-42; 143B-300.

.0109 REQUIREMENT FOR NOTIFICATION OF CHANGE IN ADDRESS

Holders of certificates under this program shall notify the Chairman, Water Pollution Control System Operators Certification Commission, Department of Environment, Health, and Natural Resources, P.O. Box 29535, Raleigh, North Carolina 27626-0535, in writing, within 30 days of any change in address.

Authority G.S. 90A-35; 90A-43; 143B-300.

SECTION .0200 - EDUCATION AND EXPERIENCE FOR CERTIFIED WATER POLLUTION CONTROL SYSTEM OPERATORS

.0201 GRADE I WASTEWATER TREATMENT PLANT OPERATOR

An applicant for a grade I certificate (lowest) shall be expected to have a general knowledge of the operation of small treatment plants. The applicant shall have knowledge of the laws and

regulations related to wastewater treatment plant operation and knowledge of equipment usually employed in such plants, and be able to describe the general maintenance requirements for such plant units. The applicant must submit an application showing that one of the following prerequisite combinations of training and experience has been met in order to take the grade I examination:

- (1) three years of acceptable experience in wastewater treatment plant operation;
- (2) completion of eighth grade of school and two years of acceptable experience in wastewater treatment plant operation;
- (3) satisfactory completion of a Grade I approved training school for wastewater treatment plant operators and one year of acceptable experience in wastewater treatment plant operation;
- (4) graduate of a high school, or equivalent GED, and three months of acceptable experience in wastewater treatment plant operation;
- (5) graduate of a high school or equivalent GED or a two or four year college and successful completion of approved training school.

Provided, however, that if an applicant fails the Grade I examination after three attempts, the applicant must then satisfactorily complete a Grade I approved training school before taking the Grade I examination again.

Authority G.S. 90A-39; 143B-300.

.0202 GRADE II WASTEWATER TREATMENT PLANT OPERATOR

(a) An applicant for a grade II certificate shall be expected to have a general knowledge of the various types of wastewater treatment plants and the processes involved; a general knowledge of the composition of wastewater and the proper sampling thereof; a general knowledge of the procedure involved in making basic physical and chemical tests and their application to treatment plant control and knowledge of the laws and regulations related to wastewater treatment plant operation; the ability to make simple calculations; general knowledge of the proper maintenance of the various treatment plant units and the mechanical equipment involved; the ability to keep and interpret records; the ability to practice safety and maintain good public relations; and such other information as may be deemed pertinent by the Water Pollution Control System Operators Certification Commission.

(b) The applicant must submit an application showing that one of the following prerequisite combinations of training and experience has been met in order to take the grade II examination:

- (1) satisfactory completion of a Grade II approved training school for wastewater treatment plant operators and two years of acceptable experience in a North Carolina class I, or equivalent, wastewater treatment plant or higher;
- (2) a North Carolina grade I certificate with all required renewal fees paid, or equivalent, and one year of acceptable operator experience in a North Carolina

- class I, or equivalent, wastewater treatment plant or higher;
- (3) graduate of high school, or equivalent GED, and six months of acceptable experience in a North Carolina class I, or equivalent, wastewater treatment plant or higher;
- (4) graduate of a recognized two-year college or technical school or college or university and six months of acceptable experience in wastewater treatment operation.

Provided, however, that if an applicant fails the Grade II examination after three attempts, the applicant must then satisfactorily complete a Grade II approved training school before taking the Grade II examination again.

Authority G.S. 90A-39; 143B-300.

.0203 GRADE III WASTEWATER TREATMENT PLANT OPERATOR

(a) An applicant for a grade III certificate shall be expected to be more knowledgeable, and to have the ability to answer more highly specialized questions relative to wastewater treatment and plant operation than an applicant for a grade II certificate. In addition to the requirements mentioned for a grade II certificate, a candidate for a grade III certificate should have a greater knowledge of the physical, chemical and bacteriological tests ordinarily performed in an adequately equipped laboratory for the determination of the nature, type and concentration of various wastewaters. The applicant should be able to perform more advanced calculations including velocity of flow and pressures in pipes, etc., and should have a detailed knowledge of the principles of treatment plant operation, efficiencies, corrosion and its prevention, and the proper maintenance of all items of equipment in a wastewater treatment plant. The applicant should be familiar with various types of pumps commonly used in wastewater treatment plants and their advantages and disadvantages, and be able to calculate pump efficiencies. The applicant should know of the problems created by industrial wastes and their effect on the sewers, treatment plant, and receiving stream. The applicant should be able to measure, by various means, the flow of wastewaters, to properly make composite samples, and to run the necessary physical, chemical and bacteriological tests necessary to provide the required degree of treatment prior to discharge into the receiving water.

(b) The applicant must submit an application showing that the applicant possesses an active North Carolina grade II certificate or an active certificate at the highest grade in any other state and that one of the following prerequisite combinations of training and experience has been met in order to take the grade III examination:

- (1) four years of acceptable experience in a North Carolina class II, or equivalent, wastewater treatment plant or higher;
- (2) graduate of high school, or equivalent GED, and three years of acceptable experience in a North Carolina class II, or equivalent, wastewater treatment plant or higher;

- (3) two years of college or associate degree with academic preparation in chemistry, biology, public health, or related fields, and two years of acceptable experience in a North Carolina class II, or equivalent, wastewater treatment plant or higher;
- (4) graduate of a recognized two-year college or technical school, with an associate degree in environmental sciences, and 18 months of acceptable experience in a North Carolina class II, or equivalent, wastewater treatment plant or higher;
- (5) graduate of a recognized college or university with a major in natural or physical sciences, engineering or related field, and one year of acceptable experience in a North Carolina class II or equivalent wastewater treatment plant or higher.

Provided, however, that if an applicant fails the Grade III examination after three attempts, the applicant must then satisfactorily complete a Grade III approved training school before taking the Grade III examination again.

Authority G.S. 90A-39; 143B-300.

.0204 GRADE IV WASTEWATER TREATMENT PLANT OPERATOR

(a) An applicant for a grade IV certificate (highest) shall be expected to have more specific knowledge covering the entire field of wastewater treatment than the applicant for a grade III certificate. The applicant should have more advance knowledge of the design and construction of wastewater treatment facilities as well as more advanced knowledge of the chemistry and biology involved in the various processes of wastewater treatment. The applicant should be familiar with various industrial wastes and know how to measure flow, sample and run the common physical, chemical and bacteriological tests necessary to provide the proper pretreatment or treatment thereof. The applicant should have a good knowledge of the proper operation and maintenance of the various units in a modern wastewater treatment plant including pumps, motors, and electrical equipment. The applicant should be familiar with new developments in the field of wastewater treatment and should have a good knowledge of the laws and regulations relating to stream sanitation. The applicant should be able to develop necessary records and prepare required reports, etc. The applicant should be able to properly supervise other employees and place into practice good public relations and safety programs, etc.

(b) The applicant must submit an application showing that the applicant possesses an active North Carolina grade III certificate or an active certificate at the highest grade in any other state and that one of the following prerequisite combinations of training and experience has been met in order to take the grade IV examination:

- (1) five years of acceptable experience in a North Carolina class III, or equivalent, wastewater treatment plant or higher;
- (2) graduate of high school, or equivalent GED, and four years of acceptable experience in a North Carolina class III, or equivalent wastewater treatment plant or

higher;

- (3) ~~two years of college or associate degree with academic preparation in chemistry, bacteriology, public health, or related fields and three years of acceptable experience in a North Carolina class III, or equivalent, wastewater treatment plant or higher;~~
- (4) ~~graduate of a recognized two year college or technical school, with an associate degree in environmental sciences, and 30 months of acceptable experience in a North Carolina class III, or equivalent, wastewater treatment plant or higher;~~
- (5) ~~graduate of a recognized college or university with a major in natural or physical sciences, engineering, or related field, and two years of acceptable experience in a North Carolina class III, or equivalent, wastewater treatment plant or higher.~~

~~Provided, however, that if an applicant fails the Grade IV examination after three attempts, the applicant must then satisfactorily complete a Grade IV approved training school before taking the Grade IV examination again.~~

Authority G.S. 90A-39; 143B-300.

.0205 GRADE I COLLECTION SYSTEM OPERATOR

(a) ~~An applicant for a grade I collection system certificate (lowest) shall have a basic knowledge of the purpose and operation of a collection system and shall be able to perform basic tasks in a manner that does not endanger himself/herself or others.~~

(b) ~~The applicant must submit an application showing that one of the following prerequisite combinations of training and experience has been met in order to take the Grade I Collection Systems examination:~~

- (1) ~~two years of acceptable experience and successful completion of an approved training school for Grade I Collection Systems;~~
- (2) ~~completion of the eighth grade and one year of acceptable experience and successful completion of an approved training school for Grade I Collection Systems;~~
- (3) ~~graduate of high school or equivalent GED and successful completion of an approved training school for Grade I Collection Systems.~~

~~Provided, however that if an applicant fails the Grade I Collection Systems examination after three attempts, the applicant must then satisfactorily complete a Grade I Collection Systems approved training school before taking the Grade I Collection Systems examination again.~~

Authority G.S. 90A-39; 143B-300.

.0207 GRADE II COLLECTION SYSTEM OPERATOR

(a) ~~An applicant for a grade II collection systems certificate shall be expected to install, maintain and repair various components of a collection system in a safe manner.~~

(b) ~~Applicant must hold a current Grade I Collection System~~

~~certificate for six months and must submit an application showing that the following prerequisite combinations of training and experience have been met in order to take the Grade II collection Systems examination:~~

- (1) ~~Provide documentation from the applicants supervisor that the following tasks have been completed prior to the training school:~~
 - (A) ~~make a sewer tap with a machine;~~
 - (B) ~~install a sewer cleanout;~~
 - (C) ~~demonstrate ability to properly operate sewer maintenance equipment.~~
- (2) ~~Have two years of acceptable experience and successful completion of an approved training school for Grade II Collection Systems.~~

~~Provided, however, that if an applicant fails the Grade II Collection Systems examination after three attempts, the applicant must then satisfactorily complete a Grade II Collection Systems approved training school before taking the Grade II Collection Systems examination again.~~

Authority G.S. 90A-39; 143B-300.

.0208 GRADE III COLLECTION SYSTEM OPERATOR

(a) ~~An applicant for a grade III collection systems certificate shall be expected to ensure safety, and perform and supervise installation and maintenance of a collection system while maintaining records and public relations.~~

(b) ~~Applicant must hold a current Grade II collection System certificate for six months and must submit an application showing that the following prerequisite combinations of training and experience have been met:~~

- (1) ~~Hold a current CPR certification.~~
- (2) ~~Have three years of acceptable experience and successful completion of an approved training school for Grade III Collection Systems.~~

~~Provided, however, that if an applicant fails the Grade III Collection Systems examination after three attempts, the applicant must then satisfactorily complete a Grade III Collection Systems approved training school before taking the Grade III Collection Systems examination again.~~

Authority G.S. 90A-39; 143B-300.

.0209 GRADE IV COLLECTION SYSTEM OPERATOR

(a) ~~An applicant for grade IV collection systems certificate shall be expected to supervise employees and manage the overall installation, operation and maintenance of collection systems in a safe manner.~~

(b) ~~Applicant must hold a current Grade III Collection System certificate for six months and must submit an application showing that the following prerequisite combinations of training and experience have been met:~~

- (1) ~~Hold a current CPR certification.~~
- (2) ~~Completion of two hours of approved confined spaces training.~~
- (3) ~~Have four years of acceptable experience and~~

successful completion of an approved training school for Grade IV Collection Systems.

Provided, however that if an applicant fails the Grade IV Collection Systems examination after three attempts, the applicant must then satisfactorily complete a Grade IV Collection Systems approved training school before taking the Grade IV Collection Systems examination again.

Authority G.S. 90A-39; 143B-300.

.0210 SUBSURFACE SYSTEM OPERATOR

(a) An applicant for a Subsurface System Operator certificate shall be expected to have specific knowledge regarding the subsurface treatment and disposal of wastewater. The applicant shall have knowledge of the principals of the soil as a treatment system and the design and construction of subsurface treatment and disposal systems. The applicant shall be familiar with wastewater characteristics and the proper operation and maintenance of a septic tank, pump tank, sand filter, grease trap/grease interceptor, oil/water separator, conventional subsurface system, low pressure pipe system, and other alternative subsurface systems, including those consisting of multiple drain fields. The applicant shall also be familiar with various pumps, distribution mechanisms and electronic controls commonly used in these systems; and shall have the ability to make calculations and measure wastewater flow rates in these systems by various means. The applicant shall also be familiar with the laws and rules governing these systems and shall have the ability to keep and interpret records and to complete reports as required by the permit.

(b) The applicant shall submit an application showing that one of the following prerequisite combinations of training and experience is met in order to take the Subsurface System examination:

- (1) three years of acceptable experience in subsurface system operation, installation, inspection or design and the successful completion of an approved subsurface training school; or
- (2) completion of the eighth grade and have two years of experience in subsurface system operation, installation, inspection or design and the successful completion of an approved subsurface training school; or
- (3) be a graduate of high school or have earned an equivalent GED and have one year of experience in subsurface system operation, installation, inspection or design and successful completion of an approved subsurface training school; or
- (4) be a graduate of a two or four year college (with a minimum of 900 contact hours) with academic preparation in chemistry, biology, public health, geology, environmental science, agronomy, soils engineering, or a related field and successful completion of an approved subsurface training school; or
- (5) be a registered sanitarian, professional engineer, or actively certified wastewater operator with all required renewal fees paid and successful completion

- (6) of an approved subsurface training school; or
- (6) be a private homeowner who intends to operate only their own domestic, on-site system who has successfully completed an approved subsurface training school.

Provided, however that if an applicant fails the Subsurface Systems examination after three attempts, the applicant must then satisfactorily complete a Subsurface Systems approved training school before taking the Subsurface Systems examination again.

Authority G.S. 90A-39; 143B-300.

.0211 LAND APPLICATION/RESIDUALS OPERATOR

(a) An applicant for a Land Application/Residuals Operator certificate shall be expected to have specific knowledge regarding treatment and utilization of residuals and biosolids. The applicant shall have knowledge of the principals of the soil as a treatment system and the proper operation of land application systems. The applicant shall be familiar with the characteristics of residuals and biosolids and the proper operation and maintenance of the equipment used in the land application process. The applicant shall also be familiar with the laws and regulations governing these systems and shall have the ability to make appropriate calculations. The applicant shall also have the ability to keep and interpret records and to complete reports as required by the permit.

(b) The applicant shall submit an application showing that one of the following prerequisite combinations of training and experience is met in order to take the Land Application examination:

- (1) three years of acceptable experience in a land application operation, and the successful completion of an approved land application training school; or
- (2) completion of the eighth grade and have two years of experience in a land application operation and the successful completion of an approved land application training school; or
- (3) be a graduate of high school or have earned an equivalent GED and have one year of experience in a land application operation, and successful completion of an approved land application training school; or
- (4) be either:
 - (A) a graduate of a two or four year college (with a minimum of 900 contact hours) with academic preparation in chemistry, biology, public health, geology, environmental science, agronomy, soils, engineering, or a related field; or
 - (B) a certified wastewater treatment plant operator with all required renewal fees paid; and successful completion of an approved land application training school.

Provided, however that if an applicant fails the Land Application Systems examination after three attempts, the applicant must then satisfactorily complete a Land Application Systems approved training school before taking the Land Application

Systems examination again.

Authority G.S. 90A-39; 143B-300.

.0212 SPRAY IRRIGATION OPERATOR

(a) An applicant for a Spray Irrigation Operator certificate shall be expected to have specific knowledge regarding the treatment and spray irrigation of wastewater. The applicant shall have knowledge of the principals of the soil as a treatment system and the proper operation of spray irrigation systems. The applicant shall be familiar with the characteristics of wastewater and the proper operation and maintenance of the equipment used in the spray irrigation process. The applicant must also be familiar with the laws and regulations governing these systems and shall have the ability to make appropriate calculations. The applicant shall also have the ability to keep and interpret records and to complete reports as required by the permit.

(b) The applicant shall submit an application showing that one of the following prerequisite combinations of training and experience has been met in order to take the Spray Irrigation examination:

- (1) ~~three years of acceptable experience in spray irrigation operation; or~~
- (2) ~~completion of the eighth grade and have two years of experience in spray irrigation; or~~
- (3) ~~be a graduate of high school or have earned an equivalent GED and have one year of acceptable experience in spray irrigation; or~~
- (4) ~~be either:~~
 - (A) ~~a graduate of a two or four year college (with a minimum of 900 contact hours) with academic preparation in chemistry, biology, public health, geology, environmental science, agronomy, soils, engineering or a related field; or~~
 - (B) ~~a certified wastewater treatment plant operator with all required renewal fees paid and successful completion of an approved spray irrigation training school; or~~
- (5) ~~be a private homeowner who intends to operate only their own domestic spray irrigation system who has successfully completed an approved spray irrigation training school.~~

Provided, however, that if an applicant fails the Spray Irrigation examination after three attempts, the applicant must then satisfactorily complete a Spray Irrigation approved training school before taking the Spray Irrigation examination again.

Authority G.S. 90A-39; 143B-300.

.0213 OPERATOR-IN-TRAINING

(a) The Commission may allow an applicant for the Grade III or IV wastewater treatment plant operator certificate or the Grade III or IV collection system operator certificate to take the examination at that level, if the individual has met all of the prerequisite education and certification requirements but is

unable to meet the experience requirement, for the purpose of becoming an operator-in-training (OIT). In order to qualify for the OIT certificate the applicant may lack a maximum of two years of experience that would be required to gain full certification at that level.

(b) Upon successfully passing the examination at that level, the applicant will be issued an "operator-in-training" certificate for the grade applied for.

(c) The operator in training certificate does not qualify the individual to be the ORC of a facility of the same classification as the OIT certificate. The OIT certificate does qualify the individual to be the ORC of a facility that is one or more classifications below the grade of the OIT certificate.

(d) Operator in Training certificates must be renewed annually but shall only be valid for a period of two years. When the holder of an OIT certificate completes the prerequisite experience for the standard certificate at that level, the holder must submit an application documenting the experience, with the appropriate fee for a replacement certificate in order to receive the standard certificate at that level.

Authority G.S. 90A-39; 143B-300.

.0214 DEFINITIONS

(a) Acceptable experience shall mean the total time spent in a water pollution control system operation and related fields of which at least 50 percent must be actual operating experience in a water pollution control system of the same type as the certificate being applied for (ie. actual experience in a wastewater treatment system is required for applicants for wastewater operators certificates, collection systems experience is required for applicants for collections certificates, etc.)

(b) Recognized college or university shall mean an accredited four-year institution awarding degrees on the bachelor's level.

(c) Recognized two-year college or technical school shall mean an accredited two-year institution awarding degrees on the associate level.

(d) Related experience shall mean experience in fields related to the wastewater field such as: water treatment operation and maintenance; wastewater maintenance or installation; water or wastewater laboratory experience; project engineering involving designing, constructing or start up of treatment facilities; collection system operation and maintenance (for wastewater certification or subsurface certification) and inspection of wastewater treatment facilities.

(e) Satisfactory or successful completion of an approved training school shall mean attendance of at least 80 percent of the total hours of instruction of a non-degree technical course approved by the Water Pollution Control System Operators Certification Commission.

(f) Two years of college shall mean a minimum of 900 contact hours.

Authority G.S. 90A-39; 143B-300.

SECTION .0300 - CERTIFICATION BY EXAMINATION

.0301 TIME AND PLACE OF EXAMINATION

The Certification Commission or its representatives shall conduct examinations for certification at the time and place hereinafter designated:

- (1) An examination will be given following the annual wastewater treatment plant operators' school as sponsored by the North Carolina Water Control Association and the Water Pollution Control System Operators Certification Commission. The date, time, and place of examination will be determined by the Certification Commission. Announcements of the school and examination will be mailed to the owners of all wastewater treatment plants and to others as deemed appropriate by the Certification Commission. Each applicant filing for examination will be notified in writing of the date, time, and place of the examination and the required grade for passing the examination.
- (2) Examinations may be administered following regional wastewater treatment plant operator's schools. The examination will be scheduled at the same location at which the school is held or at another convenient location. Announcements of the school will be mailed to all wastewater treatment plants in the region in which the school will be held. In addition, the date and time of the examination will be announced at the school and each applicant will be notified in writing of the date, time, and place of the examination and the required grade for passing the examination.
- (3) Special examinations may be given by the Commission at any time or place when a sufficient number of applications have been filed to justify an examination, as determined by the Commission. Each applicant filing for examination will be notified in writing of the date, time, and place of the examination and the required grade for passing the examination.

Authority G.S. 90A-39; 93B-8; 143B-300.

.0302 CONDUCTING AND GRADING EXAMINATIONS

(a) Examinations, prepared by members of the Commission or its authorized representatives and approved by the Commission, will be given only to those who, after filing proper application, have been determined to be eligible. Examinations will be conducted and graded under the supervision of a representative of the Commission, or its authorized representatives. Assistance in conducting and grading the examinations may be sought from members of the Division of Environmental Management, and other appropriate persons with the approval of the Commission. When each examinee receives his examination paper, he will identify himself by way of his driver's license or other form of identification satisfactory to the

proctor and the identification number will be recorded on the face of the examination paper.

(b) Representatives of the Commission, or other authorized representatives, who are supervising the examinations may take appropriate action against applicants, including dismissal from the examination, if cheating does occur. If the applicant holds a certificate already, the Commission may revoke the certification in accordance with G.S. 90A-41 and 15A NCAC 8D-.0004, for cheating on an examination.

Authority G.S. 90A-39; 93B-8; 143B-300.

.0303 EXAMINATION RESULTS AND ISSUANCE OF CERTIFICATES

(a) Within as short a period as feasible, after an examination, the examinee will be informed, in writing only, by the Commission or its authorized representatives as to the results of his examination. If a passing score is made, such notification constitutes certification by the Commission that the applicant is a qualified operator in the appropriate grade. After each examination, a list of those certified shall be drawn up and made a part of the permanent records of the Commission. Copies of these lists will be provided to each Commission member. Upon completion of the lettering, the qualifying applicant will be issued a certificate designating his level of competency.

(b) Under normal circumstances, neither the examination grade nor the examination paper of any applicant will be made available to anyone other than the members of the Commission and those approved persons who assist in conducting and grading the examinations. The examination papers will be held for a period of six months following notification to the examinee. Questions by the applicant concerning the examination must be made in writing to the Commission within that period. An applicant who fails to pass an examination shall be entitled to and notified of the privilege to review his examination in the presence of one or more Commission members or its authorized representative in the Raleigh office, or upon request, at a regional office of the Department of Environment, Health and Natural Resources or other appropriate place.

(c) In order to assure active certification, an annual renewal fee will be required as specified in G.S. 90A-42. If the renewal fee is not paid for three consecutive years, the Commission may invalidate the certificate in accordance with 15A NCAC 8D-.0004(d).

Authority G.S. 90A-39; 90A-40; 90A-42; 93B-3; 93B-8; 143B-300.

.0304 CONDITIONAL CERTIFICATION

The certification commission may issue a conditional certification with examination when, in the opinion of the commission, the situation warrants special consideration. A conditional certificate with examination may be issued at the discretion of the commission when the commission finds that this is most appropriate for ensuring the proper operation of wastewater treatment facilities. Conditional certificates with examination will generally be limited to circumstances where the

nature of the wastes and wastewater treatment processes at certain facilities may be sufficiently different from conventional domestic wastewater treatment as to warrant the issuance of a conditional certificate with examination. The commission may require that proposals for conditional certification with examination include a training program. Generally, such proposals will be considered only if rendered by an association representing the particular treatment facilities involved in a specific type process. A conditional certification with examination issued under these circumstances will be valid for use by the holder only in the type of treatment facility for which the operator is certified. Generally, these will be identified by a specific standard industrial classification number. In order to assure an active conditional certificate, an annual renewal fee will be required in accordance with 90A-42. A request for a conditional certificate with examination will be made by application and submitted with appropriate fee to the commission. Examination for conditional certification will be prepared and administered as directed by the certification commission.

Authority G.S. 90A-37; 90A-40(a); 90A-42(4); 143B-300.

SECTION .0400 - CERTIFICATION WITHOUT EXAMINATION

.0402 RECIPROCITY CERTIFICATION

(a) Permanent certificates in the appropriate type and grade may be issued without examination to individuals listed on the Reciprocity Registry of the National Association of Boards of Certification.

(b) After receipt of application, fee, and proof of listing on the Reciprocity Registry of the National Association of Boards of Certification, the Certification Commission or its designee may issue a permanent certificate in the appropriate type and grade if satisfied that all other conditions for certification are met.

(c) In order to assure active certification, an annual renewal fee in the amount specified in G.S. 90A-42 will be required.

Authority G.S. 90A-37; 90A-40(d); 90A-42; 143B-300.

.0404 TEMPORARY CERTIFICATION

(a) Temporary certification, without examination, may be issued by the Certification Commission at its discretion. Temporary certificates may be issued with such special conditions or requirements relating to the place of employment of the person holding the certificate or other matters as the Commission may deem necessary to protect the public health and maintain the water quality standards in the receiving waters as assigned by the Environmental Management Commission.

(b) Issuance of such temporary certificates shall be limited to situations where the supply or availability of certified operators is found to be inadequate. Circumstances that will be considered by the Commission include:

- (1) A certified operator in a lower grade level is accumulating experience in order to qualify to take examination in a higher grade level equal to the

classification of the facility for which he is responsible;

- (2) When an operator has attempted to secure permanent certification by taking examination and fails;

- (3) An employer had unexpectedly lost a certified operator and must secure a certified operator in order to comply with the General Statutes.

(c) Application for a temporary certificate must be made on an official application blank, obtainable from the Commission, and must be accompanied by the appropriate certification fee. It must also be accompanied by a statement signed by the mayor, the city manager, the chairman of the governing board or chief administrative officer of the political subdivision or from the owner or officer in responsible charge in the case of a private utility or industry. Such statement shall delineate the reasons why a temporary certificate is being requested, shall designate the applicant as the operator in responsible charge, and shall specify plans to acquire permanent certification by examination. The conditions surrounding this request will be reviewed by the staff and if all conditions are met the Commission or its designee may approve the issuance of the temporary certificate. If the staff determines that all conditions have not been met, the Commission will consider the request and will determine if the temporary certificate is to be issued.

(d) Temporary certificates are valid for one year from the date of issuance at the place of employment for which they are issued.

(e) A temporary certificate may only be requested for "temporary" situations and will be limited to the original one year of issuance plus one year additional renewal period for one individual. A temporary certificate or certificates will be valid at any individual water pollution control system for no more than three continuous years from the original date of issuance.

(f) If for any reason it becomes necessary for the employer to file an application requesting the issuance of a second temporary certificate, such application must be accompanied by documentation of the employer's efforts to employ a properly certified operator in addition to all applicable requirements for temporary certificate issuance.

(g) The applicant for a temporary certificate must possess the capability to become eligible for examination for permanent certification within the period of the requested temporary certificate. Upon becoming qualified by reason of experience, education and training, he is expected to apply for examination and obtain a permanent certificate. Failure to attempt permanent certification will be reason for not granting renewal.

(h) If eligible for temporary certification, the applicant will be issued a temporary certificate of a grade equivalent to the classification of the wastewater treatment facility in which the applicant is employed.

Authority G.S. 90A-40(e); 143B-300.

.0405 TEMPORARY CERTIFICATION RENEWAL

(a) Temporary certification renewal must be requested 60 days prior to the expiration date of a temporary certificate. The request must be made by application and accompanied by appropriate fee and a letter or statement prepared by the owner

setting forth attempts made by the operator to become permanently certified by examination during the temporary certification period and a documentation of the efforts by the owner to secure a permanently certified operator, and any other information requested by the commission relative to the owner's inability to retain a permanently certified operator.

(b) No temporary certification renewal shall be issued if the operator lacks the capacity to become eligible for examination for permanent certification at the required grade within one year of renewal application date. The Temporary Certification Renewal shall be valid for one year from the date of expiration of the initial Temporary Certificate.

(c) The renewal request will be considered for approval by the certification commission and upon approval, a certificate will be issued with the understanding that the commission will not issue a second temporary certificate renewal to the same individual.

Authority G.S. 90A-40(e); 90A-42; 143B-300.

.0406 VOLUNTARY CONVERSION TO MANDATORY CERTIFICATION

(a) Individuals who hold certificates of competency issued under the voluntary certification program for collection system operators administered by the North Carolina Water Pollution Control Association may apply for conversion of the voluntary certificate to a certificate issued by the Certification Commission of the same type and grade in accordance with G.S. 90A-40(f).

(b) Applications for conversion will be made available to those individuals certified under the voluntary certification program. These applications must be submitted with the appropriate fee for a conversion certificate in accordance with G.S. 90A-42 (8).

Authority G.S. 90A-40(f).

**SECTION .0500 - FEES: REINSTATEMENT:
AND ANNUAL REPORT**

.0502 REFUNDING OF FEES

Fees will be refunded in accordance with 15A NCAC 8A .0202 when an applicant is ineligible for certification or has overpaid.

Authority G.S. 90A-42; 143B-300.

.0506 CONTRACT OPERATORS ANNUAL REPORT

All Contract Operations Firms must file an annual report with the Certification Commission in accordance with G.S. 90A-45(c). This report shall be on file in the office of the Chairman on or before January 15 of each year. This report shall include:

- (1) The name of the company, mailing address, phone number, name of the owner, and name of the principal contact for certification activities; the names and permit numbers of the systems for which the company is responsible; the counties in which the company operates; the certified laboratory used by the company; the names of the certified personnel employed by the company and their certifications; other related services that the company wishes to report; and
- (2) the company's willingness to appear on a list of contract operations firms and to have this file information available to the public.

Authority G.S. 90A-45(c).

SUBCHAPTER 8C - CLASSIFICATION OF WATER POLLUTION CONTROL SYSTEMS

.0002 RATING SCALE FOR CLASSIFICATION OF WASTEWATER TREATMENT FACILITIES

(a) In-plant processes and related control equipment which are an integral part of industrial production shall not be considered waste treatment for the purpose of this Section. Facilities consisting of a septic tank and subsurface disposal field without a pump or other appurtenances will not be subject to the provisions of this Section. Pretreatment systems prior to subsurface treatment and disposal systems in excess of septic tanks, pump tanks, siphon or pump dosing systems, sand filters, grease traps and grease interceptors, and oil/water separators shall be rated according to this Section. Pretreatment systems prior to spray irrigation of wastewater in excess of preliminary treatment, lagoons, septic tanks, pump tanks, pumps, sand filters, grease trap or grease interceptors, oil/water separators, disinfection and chemical addition for nutrient or algae control, shall be rated according to this Section.

(b) The following scale is used for rating wastewater treatment facilities:

ITEM	POINTS
(1) Industrial Pretreatment Units or Industrial Pretreatment Program (see definition No. 33)	4
(2) DESIGN FLOW OF PLANT IN gpd [not applicable to non-contaminated cooling waters, sludge handling facilities for water purification plants, totally closed cycle systems (see definition No. 11), and facilities consisting only of Item (4) (d) or Items (4) (d) and (11) (d)]	
0 — 20,000	1
20,001 — 50,000	2
50,001 — 100,000	3
100,001 — 250,000	4
250,001 — 500,000	5

500,001 -- 1,000,000	8
1,000,001 -- 2,000,000	10
2,000,001 (and up) rate 1 point additional for each 200,000 gpd capacity up to a maximum of:	30
Design Flow (gpd):	
(3) PRELIMINARY UNITS/PROCESSES (see definition No. 32)	
(A) Bar Screens	1
or	
(B) Mechanical Screens, Static Screens or Comminuting Devices	2
(C) Grit Removal	1
or	
(D) Mechanical or Aerated Grit Removal	2
(E) Flow Measuring Device	1
or	
(F) Instrumented Flow Measurement	2
(G) Preaeration	2
(H) Influent Flow Equalization	2
(I) Grease or Oil Separators—Gravity	2
Mechanical	3
Dissolved Air Flotation	8
(J) Prechlorination	5
(4) PRIMARY TREATMENT UNITS/PROCESSES	
(A) ... Septic Tank (see definition No. 43)	2
(B) ... Imhoff Tank	5
(C) ... Primary Clarifiers	5
(D) ... Settling Ponds or Settling Tanks for Inorganic Non-toxic Materials (sludge handling facilities for water purification plants, sand, gravel, stone, and other mining operations except recreational activities such as gem or gold mining)	2
(5) SECONDARY TREATMENT UNITS/PROCESSES	
(A) Carbonaceous Stage	
(i) Aeration—High Purity Oxygen System	20
Diffused Air System	10
Mechanical Air System (fixed, floating or rotor)	8
Separate Sludge Reaeration	3
(ii) Trickling Filter—High Rate	7
Standard Rate	5
Packed Tower	5
(iii) Biological Aerated Filter or Aerated Biological Filter	10
(iv) Aerated Lagoons	10
(v) Rotating Biological Contactors	10
(vi) Sand Filters—intermittent biological	2
recirculating biological	3
(vii) Stabilization Lagoons	5
(viii) Clarifier	5
(ix) Single-stage system for combined carbonaceous removal of BOD and nitrogenous-removal by nitrification (see definition No. 12) (Points for this item have to be in addition to items (5) (a) (i) through (5) (a) (viii), utilizing the extended aeration process (see definition No. 3)	2
utilizing other than the extended aeration process	8
(x) Nutrient additions to enhance BOD removal	5
(xi) Biological Culture ("Super Bugs") addition to enhance organic compound removal	5
(B) Nitrogenous Stage	
(i) Aeration—High Purity Oxygen System	20
Diffused Air System	10
Mechanical Air System (fixed, floating, or rotor)	8
Separate Sludge Reaeration	3
(ii) Trickling Filter—High Rate	7
Standard Rate	5
Packed Tower	5

PROPOSED RULES

(iii)	Biological Aerated Filter or Aerated Biological Filter	10
(iv)	Rotating Biological Contactors	10
(v)	Sand Filter-intermittent biological	2
	Recirculating biological	3
(vi)	Clarifier	5
(6)	TERTIARY OR ADVANCED TREATMENT UNITS/PROCESSES	
(A)	Activated Carbon Beds—	
	without carbon regeneration	5
	with carbon regeneration	15
(B)	Powdered or Granular Activated Carbon Feed—	
	without carbon regeneration	5
	with carbon regeneration	15
(C)	Air Stripping	5
(D)	Denitrification Process (separate process)	10
(E)	Electrodialysis	5
(F)	Foam Separation	5
(G)	Ion Exchange	5
(H)	Land Application of Treated Effluent (see definition No. 22b) (not applicable for sand, gravel, stone and other similar mining operations) by high rate infiltration	4
(I)	Microscreens	5
(J)	Phosphorus Removal by Biological Processes (See definition No. 26)	20
(K)	Polishing Ponds—without aeration	2
	with aeration	5
(L)	Post Aeration—cascade	0
	diffused or mechanical	2
(M)	Reverse Osmosis	5
(N)	Sand or Mixed Media Filters—low rate	2
	high rate	5
(O)	Treatment processes for removal of metal or cyanide	15
(P)	Treatment processes for removal of toxic materials other than metal or cyanide	15
(7)	SLUDGE TREATMENT	
(A)	Sludge Digestion Tank—Heated	10
	Aerobic	5
	Unheated	3
(B)	Sludge Stabilization (chemical or thermal)	5
(C)	Sludge Drying Beds—Gravity	2
	Vacuum Assisted	5
(D)	Sludge Elutriation	5
(E)	Sludge Conditioner (chemical or thermal)	5
(F)	Sludge Thickener (gravity)	5
(G)	Dissolved Air Flotation Unit [not applicable to a unit rated as (3) (i)]	8
(H)	Sludge Gas Utilization (including gas storage)	2
(I)	Sludge Holding Tank—Aerated	5
	Non-aerated—	2
(J)	Sludge Incinerator (not including activated carbon regeneration)	10
(K)	Vacuum Filter, Centrifuge or Filter Press or other similar dewatering devices	10
(8)	RESIDUALS UTILIZATION/DISPOSAL (including incinerated ash)	
(A)	Lagoons	2
(B)	Land Application (surface and subsurface) (see definition 22a) by contracting to a land-application operator or landfill operator who holds the land application permit or landfill permit	2
(C)	Dedicated Landfilled (burial) by the permittee of the wastewater treatment facility	5
(9)	DISINFECTION	
(A)	Chlorination	5
(B)	Dechlorination	5
(C)	Ozone	5
(D)	Radiation	5
(10)	CHEMICAL ADDITION SYSTEM(S) (see definition No. 9) [not applicable to chemical additions rated as Item (3) (j), (5) (a) (xi), (6) (a), (6) (b), (7) (b), (7) (c), (9) (a), (9) (b), or (9) (c)]	

5 points each:

List	5
.....	5
.....	5
.....	5

(11) MISCELLANEOUS UNITS/PROCESSES

(A) Holding Ponds, Holding Tanks or Settling Ponds for Organic or Toxic Materials including wastes from mining operations containing nitrogen or phosphorous compounds in amounts significantly greater than is common for domestic wastewater	4
(B) Effluent Flow Equalization (not applicable to storage basins which are inherent in land application systems)	2
(C) Stage Discharge (not applicable to storage basins inherent in land application systems)	5
(D) Pumps	3
(E) Stand-By Power Supply	3
(F) Thermal Pollution Control Device	3

TOTAL POINTS

CLASSIFICATION

Class I	5-25 Points
Class II	26-50 Points
Class III	51-65 Points
Class IV	66-Up Points

Facilities having a rating of one through four points, inclusive, do not require a certified operator. Classification of all other facilities requires a comparable grade operator in responsible charge.

The following systems shall be assigned a Class I classification, unless the flow is of a significant quantity or the technology is unusually complex, to require consideration by the Commission on a case-by-case basis:

- ~~Oil/water Separator Systems consisting only of physical separation, pumps and disposal;~~
- ~~Septic Tank/Sand Filter Systems consisting only of septic tanks, dosing apparatus, pumps, sand filters, disinfection and disposal;~~
- ~~Lagoon Systems consisting only of preliminary treatment, lagoons, pumps, disinfection, necessary chemical treatment for algae or nutrient control, and discharge;~~
- ~~Closed-loop Recycle Systems;~~
- ~~Groundwater Remediation Systems consisting only of pumps, air stripping, carbon adsorption, disinfection and disposal;~~
- ~~Fish farms with discharge to surface waters;~~
- ~~Water Plant sludge handling and back wash water treatment;~~
- ~~Seafood processing consisting of screening and disposal.~~
- Single family discharging systems with the exception of Aerobic Treatment Units, will be classified if permitted after July 1, 1993 or if upon inspection by the Division, it is found that the system is not being adequately operated or maintained. Such systems will be notified of the classification or reclassification by the Commission, in writing.

Facilities having an activated sludge process will be assigned a minimum classification of Class II.

Facilities having treatment processes for the removal of metal or cyanide will be assigned a minimum classification of Class II. Facilities having treatment processes for the biological removal of phosphorus will be assigned a minimum classification of Class III.

Authority G.S. 90A-37.

.0004 DEFINITIONS

The following definitions shall apply throughout this Subchapter:

- (1) **Activated Carbon Beds.** A physical/chemical method for reducing soluble organic material from wastewater effluent; The column-type beds used in this method will have a flow rate varying from two to eight gallons per minute per square foot and may be either upflow or downflow carbon beds. Carbon may or may not be regenerated on the wastewater treatment plant site;
- (2) **Aerated Lagoons.** A basin in which all solids are maintained in suspension and by which biological oxidation or organic matter is reduced through artificially accelerated transfer of oxygen on a flow-through basis;
- (3) **Aeration.** A process of bringing about intimate contact between air or high purity oxygen in a liquid by spraying, agitation or diffusion. ~~Extended Aeration.~~ An activated sludge process utilizing a minimum hydraulic detention time of 18 hours;
- (4) **Agriculturally managed site.** Any site on which a crop is produced, managed, and harvested (Crop includes grasses, grains, trees, etc);

- (5) ~~Air Stripping. A process by which the ammonium ion is first converted to dissolved ammonia (pH adjustment) with the ammonia then released to the atmosphere by physical means; or other similar processes which remove petroleum products such as benzene, toluene, and xylene;~~
- (6) ~~Carbon Regeneration. The regeneration of exhausted carbon by the use of a furnace to provide extremely high temperatures which volatilize and oxidize the absorbed impurities;~~
- (7) ~~Carbonaceous Stage. A stage of wastewater treatment designed to achieve "secondary" effluent limits;~~
- (8) ~~Centrifuge. A mechanical device in which centrifugal force is used to separate solids from liquids or to separate liquids of different densities;~~
- (9) ~~Chemical Addition Systems. The addition of chemical(s) to wastewater at an application point for purposes of improving solids removal, pH adjustment, alkalinity control, etc.; the capability to experiment with different chemicals and different application points to achieve a specific result will be considered one system; the capability to add chemical(s) to dual units will be rated as one system; capability to add a chemical at different application points for different purposes will result in the systems being rated as separate systems;~~
- (10) ~~Chemical Sludge Conditioning. The addition of a chemical compound such as lime, ferric chloride, or a polymer to wet sludge to coalesce the mass prior to its application to a dewatering device;~~
- (11) ~~Closed Cycle Systems. Use of holding ponds or holding tanks for containment of wastewater containing inorganic, non-toxic materials from sand, gravel, crushed stone or other similar operations. Such systems shall carry a maximum of two points regardless of pumping facilities or any other appurtenances;~~
- (12) ~~Combined Removal of Carbonaceous BOD and Nitrogenous Removal by Nitrification. A single stage system required to achieve permit effluent limits on BOD and ammonia nitrogen within the same biological reactor;~~
- (13) ~~Dechlorination. The partial or complete reduction of residual chlorine in a liquid by any chemical or physical process;~~
- (14) ~~Denitrification Process. The conversion of nitrate nitrogen to nitrogen gas;~~
- (15) ~~Electrodialysis. Process for removing ionized salts from water through the use of ion-selective ion-exchange membranes;~~
- (16) ~~Filter Press. A process operated mechanically for partially dewatering sludge;~~
- (17) ~~Foam Separation. The planned frothing of wastewater or wastewater effluent as a means of removing excessive amounts of detergent materials through the introduction of air in the form of fine bubbles; also called foam fractionation;~~
- (18) ~~Grit Removal. The process of removing grit and other heavy mineral matter from wastewater;~~
- (19) ~~Imhoff Tank. A deep two-story wastewater tank consisting of an upper sedimentation chamber and a lower sludge digestion chamber;~~
- (20) ~~Instrumented Flow Measurement. A device which indicates and records rate of flow;~~
- (21) ~~Ion Exchange. A chemical process in which ions from two different molecules are exchanged;~~
- (22) ~~Land application:~~
 - (a) ~~Sludge Disposal. A final sludge disposal method by which wet sludge may be applied to land either by spraying on the surface or by subsurface injection (i.e., chisel plow); [not applicable for types of sludge described in (11) of this Rule];~~
 - (b) ~~Treated Effluent. The process of spraying treated wastewater onto a land area or other methods of application of wastewater onto a land area as a means of final disposal or treatment;~~
- (23) ~~Microscreen. A low speed, continuously back-washed, rotating drum filter operating under gravity conditions as a polishing method for removing suspended solids from effluent;~~
- (24) ~~Nitrification Process. The biochemical conversion of unoxidized nitrogen (ammonia and organic nitrogen) to oxidized nitrogen (usually nitrate);~~
- (25) ~~Nitrogenous Stage. A separate stage of wastewater treatment designed for the specific purpose of converting ammonia nitrogen to nitrate nitrogen;~~
- (26) ~~Phosphate Removal, Biological. The removal of phosphorus from wastewater by an oxic/anoxic process designed to enhance luxury uptake of phosphorus by the microorganisms;~~
- (27) ~~Polishing Pond. A holding pond following secondary treatment with sufficient detention time to allow settling of finely suspended solids;~~
- (28) ~~Post Aeration. Aeration following conventional secondary treatment units to increase effluent D.O. or for any other purpose;~~
- (29) ~~Post Aeration. (Cascade) A polishing method by which dissolved oxygen is added to the effluent by a nonmechanical, gravity means of flowing down a series of steps or weirs. The flow occurring across the steps or weirs moves in a fairly thin layer and the operation of the cascade requires no operator adjustment; thus, zero points are assigned even though this is an essential step to meeting the limits of the discharge permit;~~
- (30) ~~Powdered or Granular Activated Carbon Feed. A biophysical carbon process that utilizes biological activity and organic absorption by using powdered or granular activated carbon; Virgin or regenerated carbon is feed controlled into the system;~~
- (31) ~~Preaeration. A tank constructed to provide aeration prior to primary treatment;~~
- (32) ~~Preliminary Units. Unit operations in the treatment process, such as screening and comminution, that prepare the liquor for subsequent major operations;~~
- (33) ~~Industrial Pretreatment.~~

- (a) ~~Pre-treatment Unit, Industrial. The conditioning of a waste at its source before discharge, to remove or to neutralize substances injurious to sewers and treatment processes or to effect a partial reduction in load on the treatment process which is operated by the same governing body as the wastewater treatment plant being rated;~~
- (b) ~~Pre-treatment Program, Industrial must be a State or EPA required program to receive points on the rating sheet;~~
- (34) ~~Primary Clarifiers. The first settling tanks through which wastewater is passed in a treatment works for the purpose of removing settleable and suspended solids and BOD which is associated with the solids;~~
- (35) ~~Pumps. All influent, effluent and in-plant pumps;~~
- (36) ~~Radiation. Disinfection or sterilization process utilizing devices emitting ultraviolet or gamma rays;~~
- (37) ~~Reverse Osmosis. A treatment process in which a heavy contaminated liquid is pressurized through a membrane forming nearly pure liquid free from suspended solids;~~
- (38) ~~Rotating Biological Contractors. A fixed biological growth process in which wastewater flows through tanks in which a series of partially submerged circular surfaces are rotated;~~
- (39) ~~Sand Filters:~~
 - (a) ~~Intermittent Biological. Filtration of effluent following septic tanks, lagoons, or some other treatment process in which further biodecomposition is expected to produce desired effluents; Hydraulic loading rates on these filters are computed in gpd/ac and have a resulting low gpm/sf (less than one);~~
 - (b) ~~Recirculating biological the same type of sand filter as defined in Subparagraph (39) (a) of this Rule with the added capability to recycle effluent back through the sand filter;~~
- (40) ~~Sand or Mixed Media Filters. A polishing process by which effluent limits are achieved through a further reduction of suspended solids:~~
 - (a) ~~low rate gravity, hydraulically loaded filter with loading rates in the one to three gpm/sf range;~~
 - (b) ~~high rate a pressure, hydraulically loaded filter with loading rates in the five gpm/sf range; At any rate, the loading rate will exceed three gpm/sf;~~
- (41) ~~Secondary Clarifiers. A tank which follows the biological unit of a treatment plant and which has the purpose of removing sludges associated with the biological treatment units;~~
- (42) ~~Separate Sludge Reaeration. A part of the contact stabilization process where the activated sludge is transferred to a tank and aerated before returning it to the contact basin;~~
- (43) ~~Septic Tank. A single-story settling tank in which settled sludge is in contact with the wastewater flowing through the tank; shall not be applicable for septic tank systems serving single family residences having capacity of 2,000 gallons or less which discharge to a nitrification field;~~
- (44) ~~Sludge Digestion. The process by which organic or volatile matter and sludge is gasified, liquefied, mineralized or converted into more stable organic matter through the activity of living organisms, which includes aerated holding tanks;~~
- (45) ~~Sludge Drying Beds. An area comprising natural or artificial layers of porous materials upon which digested sewage sludge is dried by drainage and evaporation;~~
- (46) ~~Sludge Elutriation. A process of sludge conditioning in which certain constituents are removed by successive washings with fresh water or plant effluent;~~
- (47) ~~Sludge Gas Utilization. The process of using sewage gas for the purpose of heating buildings, driving engines, etc.;~~
- (48) ~~Sludge Holding Tank (Aerated and Nonaerated). A tank utilized for small wastewater treatment plants not containing a digester in which sludge may be kept fresh, and supernatant withdrawn prior to a drying method (i.e. sludge drying beds); This may be done by adding a small amount of air simply to keep the sludge fresh, but not necessarily an amount that would be required to achieve stabilization of organic matter. A nonaerated tank would simply be used to decant sludge prior to dewatering and would not allow long periods (several days of detention) without resulting odor problems;~~
- (49) ~~Sludge Incinerators. A furnace designed to burn sludge and to remove all moisture and combustible materials and reduce the sludge to a sterile ash;~~
- (50) ~~Sludge Stabilization (Chemical or Thermal). A process to make treated sludge less odorous and putrescible, and to reduce the pathogenic organism content; This may be done by pH adjustment, chlorine dosing, or by heat treatment;~~
- (51) ~~Sludge Thickener. A type of sedimentation tank in which the sludge is permitted to settle and thicken through agitation and gravity;~~
- (52) ~~Stabilization Lagoon. A type of oxidation lagoon in which biological oxidation of organic matter is effected by natural transfer of oxygen to the water from air (not a polishing pond);~~
- (53) ~~Stand By Power Supply. On site or portable electrical generating equipment;~~
- (54) ~~Static Screens. A stationary screen designed to remove solids, including non-biodegradable particulate (floatable solids, suspended solids and BOD reduction) from municipal and industrial wastewater treatment systems;~~
- (55) ~~Tertiary Treatment. A stage of treatment following secondary which is primarily for the purpose of effluent polishing; A settling lagoon or sand or coal filter might be employed for this purpose;~~
- (56) ~~Thermal Pollution Control Device. A device providing for the transfer of heat from a fluid flowing in tubes to another fluid outside the tubes, or vice versa; or, other means of regulating liquid temperatures;~~

- (57) ~~Thermal Sludge Conditioner.~~ A conditioning process by which heat is added for a protracted period of time to improve the dewaterability of sludge by the solubilizing and hydraulizing of the smaller and more highly hydrated sludge particles;
- (58) ~~Toxic Materials.~~ Those wastes or combinations of wastes, including disease-causing agents which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring; ~~Toxic materials include, by way of illustration and not limitation: lead, cadmium, chromium, mercury, vanadium, arsenic, zinc, ortho-nitro-chlorobenzene (ONCB), polychlorinated biphenyls (PCBs) and dichlorodiphenyl trichloroethane (DDT); and any other materials that have or may hereafter be determined to have toxic properties;~~
- (59) ~~Trickling Filter.~~ A biological treatment unit consisting of a material such as broken stone or rock over which wastewater is distributed; A high rate trickling filter is one which is operated at between 10 and 30 mgd per acre. A low rate trickling filter is one which is designed to operate at one to four mgd per acre;
- (60) ~~Trickling Filter (Packed Tower).~~ A plug flow type of operation in which wastewater flows down through successive layers of media or filtrate material; Organic material is removed continually by the active biological fixed growth in each successive layer. This method may produce "secondary" quality effluent, or may be adapted to produce a nitrified effluent;
- (61) ~~Vacuum Filters, Centrifuges, or Filter Presses.~~ Devices which are designed to remove excess water from either digested or undigested sludge prior to disposal or further treatment.

Authority G.S. 90A-37.

.0005 CLASSIFICATION OF SUBSURFACE TREATMENT AND DISPOSAL SYSTEMS

Facilities which utilize subsurface treatment and disposal of wastewater shall be classified as subsurface systems. All subsurface systems permitted under rules adopted by the Environmental Management Commission and those subsurface systems permitted under rules adopted by the Commission for Health Services, which require a certified operator, shall be operated by an operator in responsible charge who possesses a certificate in subsurface system operation. Conventional septic tank systems, consisting of only a septic tank and nitrification field without pumps or other appurtenances, will not be subject to the provisions of this Section. If the subsurface system consists of septic tanks, pump tanks, siphon or pump dosing systems, sand filters, grease traps or grease interceptors, or oil/water separators and subsurface disposal of the wastewater,

no additional wastewater treatment classification will be required. Wastewater treatment in excess of these components will be subject to rating as a wastewater treatment facility under Rule .0002(b) of this Section. All systems that are required to have only a certified subsurface operator under 15A NCAC 18A .1961 shall be deemed classified as subsurface systems. Any subsurface system that has a wastewater treatment facility required to be classified under 15A NCAC 8C .0002 and any subsurface system previously classified by the Commission, will receive notification of the classification or reclassification from the Commission.

Authority G.S. 90A-37.

.0006 CLASSIFICATION OF LAND APPLICATION SYSTEMS

Facilities permitted for the land application of sludge, residuals, biosolids or contaminated soil (on a designated site), shall be classified as land application systems and will be required to have an operator in responsible charge who possesses a certificate in land application/residuals operation.

Authority G.S. 90A-37.

.0007 CLASSIFICATION OF COLLECTION SYSTEMS

Collection systems that are operated in conjunction with wastewater treatment facilities permitted to municipalities, regional facilities or water and sewer authorities, public utilities, state-owned facilities that are Class III or Class IV and federally owned facilities that are Class II, Class III or Class IV will be subject to rating as a collection system. Any collection system, regardless of ownership, may be classified as a collection system and will be required to designate an operator in responsible charge, in the event that the Commission or its designees identify the failure to properly operate or maintain the system. The following rating system will be used to determine the classification of collection systems.

- (1) the collection system will be assigned the same classification as the current rating of the wastewater treatment facility to which the collection system is tributary; or
- (2) the collection system will be assigned the classification based on the population served by the collection system as follows, whichever would provide the lower classification: In the event that the population served cannot be determined, the equivalent population served will be calculated, using the design flow of the treatment plant and a flow of 95 gallons per day per person.
Population of 1500 or less Class I
Population of 1501-15,000 Class II
Population of 15,001-50,000 Class III
Population of 50,000 or more Class IV
- (3) Upon classification, the Commission may establish a date, by which, the permittee must designate an operator of the appropriate grade to operate the collection system.

Authority G.S. 90A-37.

.0008 CLASSIFICATION OF SPRAY IRRIGATION SYSTEMS

Facilities which utilize the spray irrigation of wastewater shall be classified as spray irrigation systems. If the spray irrigation system consists only of preliminary treatment, lagoons, septic tanks, pump tanks, pumps, grease traps or grease interceptors, oil/water separators, sand filters, disinfection, and chemical treatment for nutrient or algae control and the spray irrigation of the wastewater, no additional wastewater treatment classification will be required. Wastewater treatment in excess of these components, will be subject to rating under Rule .0002(b) of this Section.

Authority G.S. 90A-37.

SUBCHAPTER 8D - POWERS AND ENFORCEMENT

.0002 CLASSIFICATION OF WATER POLLUTION CONTROL SYSTEMS

The Certification Commission shall classify water pollution control systems in accordance with the rating system set out in Subchapter 8C of this Title.

Authority G.S. 90A-35; 90A-37; 90A-43; 90A-44; 150B-23.

.0004 REVOCATION, RELINQUISHMENT OR INVALIDATION OF CERTIFICATION

(a) The Certification Commission may revoke or suspend the certification of an operator in accordance with the provisions of G.S. 90A-41. Prior to the Commission's taking action on a proposed revocation or suspension, the operator shall be given an opportunity to submit a written statement and present oral argument before the Commission at a regularly scheduled meeting. Notice of the meeting shall be delivered personally or by certified mail at least 15 days prior to the meeting.

(b) Notice of the revocation or suspension shall be delivered to the operator personally or by certified mail at least 20 days prior to the effective date of the revocation or suspension. The notice shall contain the alleged facts or conduct upon which the revocation or suspension is based and shall inform the operator of the opportunity to contest the action. The procedures to be followed shall be as specified in 15A NCAC 8A .0302.

(c) Certification may be relinquished by submission to the Certification Commission of the original certificate and a notarized statement of relinquishment.

(d) The Certification Commission may invalidate the certification of an operator for nonpayment of the annual renewal fee in accordance with G.S. 90A-40. Notice of this action shall be delivered by certified mail or personal service at least 30 days prior to the effective date of the invalidation. If the appropriate renewal fees and the required late fees are received within this period, the certificate will remain active. In order for a certificate to be revalidated, the appropriate renewal fees and late fees must be paid.

(e) The Certification Commission may issue a written reprimand to an operator in accordance with G.S. 90A-40. The

reprimand shall be delivered personally or by certified mail. A copy of the letter will be kept in the operator's file and a copy will be sent to the operator's employer. The operator will be given the opportunity to put a letter of rebuttal into the file when a reprimand has been issued.

Authority G.S. 90A-41; 143B-300; 150B-3; 150B-23; 150B-38; 150B-52.

.0005 NOTIFICATION TO ENVIRONMENTAL MANAGEMENT COMMISSION

The Commission shall notify the Environmental Management Commission of the failure of an owner of a water pollution control system to provide a certified operator or of the revocation or relinquishment of the certificate of any operator.

Authority G.S. 90A-35; 90A-43; 143B-300.

.0006 RECERTIFICATION FOLLOWING REVOCATION OR RELINQUISHMENT

(a) After revocation or relinquishment has been effective for a period of not less than 270 days, a person may apply in writing for recertification by the Commission, including in his petition any relevant facts concerning changes to conditions under which revocation or relinquishment occurred. Such facts shall show clearly that applicant will comply with the laws and regulations.

(b) Within 120 days following receipt of an application for recertification, the Commission will notify the applicant by letter of its decision to deny or grant examination eligibility in accordance with procedures set out 15A NCAC 8B .0102. Additional eligibility requirements including a show cause conference may be imposed by the Commission as it deems appropriate. Eligibility will only be granted if there is substantial evidence that the conditions leading to the revocation or relinquishment have been corrected.

(c) Recertification of a person as a wastewater treatment plant operator shall only occur by means of application and examination. The examinations will not be waived. The applicant shall meet the eligibility requirements set forth in 15A NCAC 8B .0200 beginning with 15A NCAC 8B .0201 except that applicant shall not be eligible for 15A NCAC 8B .0206. Operational experience prior to revocation or relinquishment will not apply as eligibility for future recertification. Applicant shall not be eligible for temporary certification under 15A NCAC 8B .0404.

(d) Upon notification of the Commission's decision to deny eligibility, the applicant may appeal the decision pursuant to the procedures contained in Article 3A of Chapter 150B of the General Statutes.

Authority G.S. 90A-39; 150B-3; 150B-38.

CHAPTER 8 - WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION

SUBCHAPTER 8G - AUTHORITY: ORGANIZATION: STRUCTURE: DEFINITIONS AND HEARING

PROCEDURES

SECTION .0100 - GENERAL PURPOSE AND DEFINITIONS

.0101 PURPOSE

The purpose of these Rules is to:

- (1) protect the public health of the citizens of the State;
- (2) conserve, protect, and maintain the quality of the water resources of the State as assigned by the North Carolina Environmental Management Commission;
- (3) protect the public investment in water pollution control systems;
- (4) provide for the classification of water pollution control systems; and
- (5) establish the procedures for the examination and certification of operators of water pollution control systems.

Authority G.S. 90.

.0102 DEFINITIONS

(a) "Activated sludge" shall mean a biological wastewater treatment process in which predominantly biodegradable pollutants in wastewater are absorbed, or adsorbed, by living aerobic organisms and bacteria in an aerated suspension which is separated from the treated wastewater gravimetrically.

(b) "Actual experience" shall mean the time working as a water pollution control system operator or operator in responsible charge. An operator is an individual whose principal job responsibility is the actual physical operation of process equipment and systems at a water pollution control system. The term does not apply to persons who have primary job responsibilities such as laboratory testing, facility and equipment maintenance, administrative support, or direct, or indirect, supervision.

(c) "Approved training" shall mean any training, required in order to be eligible for an examination or to meet continuing education requirements, that has been approved by the Commission.

(d) "Back-up ORC" shall mean Back-up Operator in Responsible Charge and refers to the operator who is designated to act as surrogate for the Operator in Responsible Charge (ORC) when the ORC is absent from their professional duties as set forth in G.S. 90A-44.

(e) "Basic sciences" shall mean courses in agronomy, biology, botany, chemistry, engineering, environmental health and sciences, geology, math, physics, soil science, and zoology offered by an accredited college or university.

(f) "Chemical process" shall mean a water pollution control system process consisting exclusively of the addition of chemicals to treat wastewaters and typically consisting of a three phase process involving coagulation, flocculation, and liquid/solids separation.

(g) "Collection system" shall mean a continuous connection of pipelines, conduits, pumping stations and other related constructions or devices used to conduct wastewater to a water pollution control system.

(h) "Commission" shall mean the Water Pollution Control System Operators Certification Commission created by G.S. 143B-300.

(i) "Contract operations firm" shall mean any commercial water pollution control system operations firm which contracts with the owner of a water pollution control system to provide operational and other services for the system pursuant to G.S. 90A-45(a).

(j) "Contract operator" shall mean any certified water pollution control system operator who contracts with the owner of a water pollution control system to provide operational and other services for the system pursuant to G.S. 90A-45(a).

(k) "Currently valid certificate" shall mean the certificate of an operator that has all required renewal fees paid, all required continuing education training completed, and has not been revoked, relinquished, invalidated, or suspended.

(l) "Electrodialysis system" shall mean a system utilizing a selective separation of dissolved solids process that is based on electrical charge and diffusion through a semipermeable membrane.

(m) "Fixed growth" shall mean a biological wastewater treatment system in which the wastewater is treated by contact with a biological growth that is affixed to support media and includes systems such as trickling filters, rotating biological contactors, and biological tower treatment systems.

(n) "GED" shall mean general educational development in reference to a high school diploma equivalency.

(o) "Nonbiological" shall mean a process which utilizes physical and/or chemical processes to treat wastewater but does not include any biological processes.

(p) "ORC" shall mean the individual designated by a person, firm, or corporation (municipal or private) owning or having control of a water pollution control system as the operator of record of the water pollution control system and who has primary responsibility for the operation of such system as defined in G.S. 90A-46.

(q) "Owner" shall mean the person, firm, or corporation (municipal or private) owning or having control of a water pollution control system as described in G.S. 90A-44.

(r) "Passing score" shall mean earning 70 percent of the available points on an examination administered by the Commission.

(s) "Permanent certificate" shall mean the certificate of competency issued by the Commission to an individual as the result of the individual obtaining a passing score on an examination administered by the Commission, or a certificate issued by reciprocity agreement by the Commission, and is subject to the provisions of G.S. 90A-40(a).

(t) "Physical process" shall mean any water pollution control system process consisting of gravimetric sedimentation, flotation and/or filtration as the means of treatment.

(u) "Reciprocity certificate" shall mean a certificate issued of the appropriate type and grade without examination to any person who is properly registered on the "National Association of Boards of Certification" Reciprocity Register and who meets all other requirements of these Rules as set forth in G.S. 90A-40(b).

(v) "Regional office" shall mean one of the seven local

offices of the Division of Water Quality located across the State.

(w) "Residuals" shall mean any solid or semisolid byproduct that is produced by the treatment of wastewater in a water pollution control system.

(x) "Reverse osmosis system" shall mean a system which utilizes solutions and semipermeable membranes to separate and treat wastewaters.

(y) "Satisfactory completion" shall mean the attendance of at least 80 percent of the approved training.

(z) "Temporary certificate" shall mean a certificate issued of an appropriate type and grade, without examination, to any person employed as a water pollution control system operator when the Commission finds that the supply of certified operators, or persons with the training and experience necessary for certification, is inadequate and the situation meets the requirements set forth in G.S. 90A-40(e).

(aa) "Ultrafiltration system" shall mean a system which utilizes a membrane filter process to remove pollutants from wastewater.

(bb) "Water pollution control system" shall mean any system for the collection, treatment, or disposal of wastewater and is classified under the provisions of G.S. 90A-37.

Authority G.S. 90.

SECTION .0200 - DUTIES AND RESPONSIBILITIES

.0201 REQUIREMENTS FOR CERTIFIED OPERATORS

(a) Owners of water pollution control systems, permitted under rules adopted by the Environmental Management Commission, shall designate operators, certified by the Water Pollution Control System Operators Certification Commission (WPCSOCC), of the appropriate type and grade for the system, and, for each system, must designate:

- (1) one Operator In Responsible Charge (ORC) who possesses a currently valid certificate of the type and grade at least equivalent to the type and grade of the system; and
- (2) one Back-up Operator in Responsible Charge (ORC) who possesses a currently valid certificate of the type of the system and no more than one grade less than the grade of the system, with the exception of single family residential systems with a design flow of less than 1,500 gallons per day.

(b) Owners of water pollution control systems permitted under rules adopted by the Commission for Health Services, or a local board of health, shall designate certified water pollution control system operators of the appropriate type and grade as specified in Section .0300 of these Rules and in 15A NCAC 18A .1961. Operators in Responsible Charge (ORCs) of these systems shall visit each system in accordance with Rule .0204 of this Section.

Authority G.S. 90.

.0202 RESPONSIBILITIES OF SYSTEM OWNERS

(a) The owner of a water pollution control system permitted by the Environmental Management Commission must:

- (1) designate one Operator in Responsible Charge (ORC) and one Back-up Operator in Responsible Charge (Back-up ORC) of the appropriate type and grade for the system as set forth in Rule .0201(a) of this Section; and
- (2) submit a signed letter to the Commission, countersigned by the designated certified operators, designating the ORC and the Back-up ORC:
 - (A) 60 calendar days prior to wastewater being introduced into a new, or expanded, system; or
 - (B) within 120 calendar days following:
 - (i) receiving notification of a change in the classification of the system requiring the designation of a new ORC and Back-up ORC of the proper type and grade; or
 - (ii) a vacancy in the position of ORC or Back-up ORC.

(b) Upon the vacancy of the ORC position for a system, the owner of the system must notify the appropriate regional office of the Division of Water Quality of the vacancy, within 10 working days. If the 10 day notification was not made in writing, then within 20 working days of the vacancy written notification must be submitted to the regional office.

Authority G.S. 90.

.0203 RESPONSIBILITIES OF CERTIFIED OPERATORS

Certified operators shall:

- (1) comply with all terms and conditions of their certification as set forth in these Rules; and
- (2) notify the Commission, in writing, within 30 days of any changes in their mailing address; and
- (3) be responsible for the renewal of their certification(s) as specified in Section .0700 of this Subchapter; and
- (4) comply with all statutes and rules regarding the operation of water pollution control systems.

Authority G.S. 90.

.0204 RESPONSIBILITIES OF AN OPERATOR IN RESPONSIBLE CHARGE (ORC)

An ORC of a water pollution control system must:

- (1) possess a currently valid certificate of the appropriate type and grade for the system; and
- (2) visit the system as often as is necessary to insure the proper operation of the system but in no case less frequently than specified in the following schedule:
 - (a) biological grade I systems; weekly.
 - (b) biological grade II, III, and IV systems, other than those systems specified in Rule .0204(g) of this Section; 5 days per week, excluding holidays.
 - (c) spray irrigation systems other than single family residential systems; within 24 hours of the application of wastewater.

- (d) land application of residuals systems; within 48 hours of application of residuals.
- (e) collection systems; within 24 hours of a bypass, spill, or overflow of wastewater from the system.
- (f) single-family residential systems; twice per year with a six month interval between visits.
- (g) single-family residential aerobic treatment units (ATUs) with a treatment capacity of 1500 gallons per day or less; weekly.
- (h) subsurface systems; as required by 15A NCAC 18A .1961.
- (i) nonbiological systems;
 - (i) grade I systems, including, groundwater remediation systems; weekly
 - (ii) grade II systems; daily.
- (j) nonconventional systems; as specified by the Commission based on the complexity of the system; and
- (3) operate and maintain the system efficiently and attempt to insure the compliance of the system with any permit(s) issued for the system as well as any other applicable local, state, and federal environmental permitting and regulatory requirements; and
- (4) certify, by signature, as to the validity of all monitoring and reporting information performed on the system as prescribed in any permit issued for the system; and
- (5) document the operation, maintenance, and all visitation of the system in a daily log that shall be maintained at the system; and
- (6) notify the owner of the system within 24 hours, and in writing within five calendar days, of any:
 - (a) overflows from the system or any treatment process unit; or
 - (b) bypasses of the system or any treatment process unit; or
 - (c) piece of equipment or treatment process unit that is malfunctioning in such a way as to adversely affect effluent quality; and
- (7) notify the owner, in writing, of the need for any system repairs and modifications that may be necessary to insure the compliance of the system with all local, state, and federal environmental permitting and regulatory requirements; and
- (8) reside within reasonable proximity to the system in order to:
 - (a) be readily available for consultations with the system owner; and
 - (b) handle emergency situations; and
 - (c) provide access to the facility by regulatory agencies for inspections; and
 - (d) perform any other related matters which would necessitate the presence of the ORC; and
- (9) be responsible for developing and implementing a process control monitoring plan, based on the size and complexity of the system, which is sufficiently

comprehensive to insure the proper operation of the system. A copy of the plan must be submitted to the owner of the system and a copy must be maintained on-site for review by regulatory personnel during inspections of the system.

Authority G.S. 90.

.0205 RESPONSIBILITIES OF A BACK-UP OPERATOR IN RESPONSIBLE CHARGE (BACK-UP ORC)

A Back-up ORC:

- (1) may act as surrogate for the ORC, if they possess a currently valid certificate of the appropriate type and grade for the system, for a period not to exceed 120 consecutive days when the ORC is absent due to:
 - (a) the resignation of the ORC; or
 - (b) personal or familial illness; or
 - (c) vacation; or
 - (d) nonwork related leave such as civil leave, educational leave, or worker's compensation leave; or
 - (e) work related leave such as Commission-approved training, regulatory agency meetings, or professional association meetings.
- (2) must fulfill all of the requirements of Rule .0204 of this Section when acting as surrogate for the ORC.

Authority G.S. 90.

SECTION .0300 - CLASSIFICATION OF WATER POLLUTION CONTROL SYSTEMS

.0301 APPLICABILITY

- (a) The purpose of this Section is to establish procedures for the classification of water pollution control systems.
- (b) Notwithstanding the requirements in Rules .0302 through .0307 of this Section, the Commission may modify the grade of a water pollution control system when:
 - (1) special conditions created by system design features, or inherent operational requirements, exist which make normal operation of the system more complex; or
 - (2) upgrades or other modifications to a system are completed; or
 - (3) changes in Commission classification rules are made.
- (c) In-plant processes, and related water pollution control equipment which are integral parts of direct industrial production, shall not be considered water pollution control systems for the purpose of this Section.

Authority G.S. 90.

.0302 CLASSIFICATION OF BIOLOGICAL WATER POLLUTION CONTROL TREATMENT SYSTEMS

- (a) The following discharging systems shall be assigned a classification of Grade I Biological Water Pollution Control

System unless the permitted flow, or operational complexity of the system, is sufficient to warrant special consideration by the Commission:

- (1) septic tank/sand filter systems;
- (2) biological lagoon systems;
- (3) constructed wetlands consisting of a septic tank, sand filter, wetland cells, disinfection, and assorted appurtenances.

(b) Systems that utilize an activated sludge or fixed growth process with a permitted flow less than 0.5 million gallons per day (mgd) shall be assigned the classification of Grade II Biological Water Pollution Control System.

(c) Systems utilizing an activated sludge or fixed growth process with permitted flows of 0.5 through 2.5 million gallons per day (mgd) shall be assigned the classification of Grade III Biological Water Pollution Control System.

(d) Systems utilizing an activated sludge or fixed growth process with a permitted flow greater than 2.5 million gallons per day (mgd) shall be assigned a classification of Grade IV Biological Water Pollution Control System.

(e) Any system receiving a classification of Grade II Biological Water Pollution Control System pursuant to Paragraph (b) of this Rule, that is required to achieve biological nutrient reduction, shall be assigned the classification of Grade III Biological Water Pollution Control System.

(f) Any system receiving a classification of Grade III Biological Water Pollution Control System pursuant to Paragraph (c) of this Rule, that is required to achieve biological nutrient reduction, shall be assigned the classification of Grade IV Biological Water Pollution Control System.

Authority G.S. 90.

.0303 CLASSIFICATION OF WATER POLLUTION CONTROL COLLECTION SYSTEMS

(a) Water pollution control collection systems operated to convey wastewater to water pollution control systems which are permitted or tributary to municipalities, regional water pollution control systems, water and sewer authorities, public utilities, or are a Grade II, III or IV state or federally owned system, shall be subject to classification in accordance with Rule .0303(b) of this Section. Any collection system, regardless of ownership, may be classified and required to designate an ORC and a Back-up ORC if the Commission determines that the system is not being operated and maintained in a proper manner which prevents the escape of wastewater from the system into the environment.

(b) Collection systems shall be assigned a classification that is:

- (1) the same as the grade of the biological water pollution control system to which the collection system is tributary; or
- (2) based on the population served by the collection system in accordance with the following chart, whichever provides the lower grade:
 - (A) 1,500 or less Grade I;
 - (B) 1,501 to 15,000 Grade II;
 - (C) 15,001 to 50,000 Grade III;
 - (D) 50,001 or more Grade IV.

In the event that the population served cannot be determined, the equivalent population served shall be calculated by using the design flow of the system divided by a flow of 95 gallons per day per person.

Authority G.S. 90.

.0304 CLASSIFICATION OF SPRAY IRRIGATION WATER POLLUTION CONTROL SYSTEMS

(a) Systems which utilize spray irrigation for the reuse or disposal of wastewater shall be classified as spray irrigation water pollution control systems. Those systems which contain only preliminary treatment processes such as septic tanks, sand filters, oil/water separators, lagoons, storage basins, physical screening, or sedimentation processes shall not be subject to additional operator requirements as specified in Rules .0302 or .0306 of this Section.

(b) Any spray irrigation system that has, as part of its treatment process, systems other than those specified in Paragraph (a) of this Rule, shall be subject to additional classification as is deemed necessary by the Commission.

Authority G.S. 90.

.0305 CLASSIFICATION OF LAND APPLICATION OF RESIDUALS SYSTEMS

Systems permitted and dedicated for the land application of:

- (1) residuals that are produced by a water pollution control system; or
- (2) contaminated soils;

shall be classified as a land application of residuals system.

Authority G.S. 90.

.0306 CLASSIFICATION OF NONBIOLOGICAL WATER POLLUTION CONTROL TREATMENT SYSTEMS

(a) Any water pollution control system, including systems designed for the remediation of contaminated groundwater, that utilizes an exclusively physical, nonbiological process to treat wastewaters, with the exception of reverse osmosis, electrodialysis, and ultrafiltration systems, shall be classified as a Grade I Nonbiological Water Pollution Control System.

(b) Any nonbiological water pollution control system that utilizes a chemical process to treat wastewaters, including those systems whose treatment processes are augmented by physical processes, shall be classified as a Grade II Nonbiological Water Pollution Control System.

(c) Any nonbiological water pollution control system that has, as part of its treatment process, a biological water pollution control system that may be classified under Rule .0302 of this Section shall be subject to additional classification as a biological water pollution control system.

Authority G.S. 90.

.0307 CLASSIFICATION OF SYSTEMS

**PERMITTED BY THE COMMISSION
FOR HEALTH SERVICES**

(a) Systems which utilize the soils for the on-site treatment and disposal of wastewater shall be classified as subsurface water pollution control systems.

(b) Conventional septic tank systems, consisting of only a septic tank and nitrification field without pumps or other appurtenances, shall not be subject to classification.

(c) Any subsurface water pollution control system that is required to have a certified operator under 15A NCAC 18A .1961 shall be deemed classified as a subsurface water pollution control system.

(d) Any subsurface water pollution control system that has as part of its treatment process a water pollution control system that may be classified under Rules .0302 through .0307 of this Section may be subject to additional classification. If the subsurface system consists only of septic tanks, pump tanks, siphon or pump dosing systems, sand filters, grease traps or grease interceptors, or oil/water separators, and subsurface disposal of the wastewater, no additional classification will be required.

Authority G.S. 90.

**.0308 CLASSIFICATION OF NON
CONVENTIONAL WATER POLLUTION
CONTROL TREATMENT SYSTEMS**

The Commission may classify any nonconventional water pollution control system. A nonconventional water pollution control system is defined as a water pollution control system that is receiving wastewater which has distinctly different characteristics from typical domestic wastewater or is a water pollution control system which contains treatment processes that are sufficiently different from the conventional treatment processes classified in Rules .0302 through .0306 of this Section.

Authority G.S. 90.

**SECTION .0400 - ELIGIBILITY REQUIREMENTS
FOR EXAMINATIONS**

.0401 GENERAL REQUIREMENTS

(a) An applicant for certification as an operator of any water pollution control system designed for the collection or treatment of wastewater must meet the following criteria and possess the knowledge and abilities listed as they relate to the specific type of system for which certification is being sought and shall, at a minimum, include:

- (1) a high school diploma or a general educational development (GED) equivalent;
- (2) be at least 18 years of age;
- (3) a general knowledge of typical wastewater characteristics and treatment processes; and
- (4) the ability to:
 - (A) read and understand the statutes and rules which govern water pollution control system operators and the operation of the type of

system for which certification is being sought;

- (B) perform mathematical calculations required to operate the system for which certification is being sought;
- (C) complete and maintain logs and regulatory reporting forms required to document the proper operation of the system; and
- (D) a knowledge of the equipment employed in the operation of the type of system for which certification is being sought along with the ability to describe the general maintenance requirements for such equipment.

(b) An applicant who has failed to achieve a passing score on a specific type and grade of examination after three consecutive attempts must:

- (1) attend, and satisfactorily complete, an approved training program of the same type and grade as the certification being sought; and
- (2) provide verification, in the form of a certificate of completion or other such documentation, of the satisfactory completion of the required training with any subsequent application made to the Commission to sit for the examination.

(c) An applicant for certification shall not have had any certification revoked by the Commission within the 730 calendar day period prior to the date of the application for certification.

(d) An applicant for certification shall not be allowed to sit for any examination offered by the Commission during the period of a suspension of any certification held by the applicant with the Commission.

Authority G.S. 90.

**.0402 ELIGIBILITY REQUIREMENTS FOR
BIOLOGICAL WATER POLLUTION
CONTROL SYSTEM OPERATORS**

Eligibility for certification as a Biological Water Pollution Control System Operator shall be based on the following qualifications:

- (1) for Grade I certification, the applicant must have successfully completed an approved training school for Grade I Biological Water Pollution Control System operators.
- (2) for Grade II certification, the applicant must:
 - (a) hold a currently valid North Carolina Grade I Biological Water Pollution Control System Operator certificate; and
 - (b) have six months of actual experience at a Grade II, or higher, biological water pollution control system; and
 - (c) have successfully completed an approved training school for Grade II Biological Water Pollution Control System operators.
- (3) for Grade III certification, the applicant must:
 - (a) hold a currently valid North Carolina Grade II Biological Water Pollution Control System Operator certificate; and
 - (b) have successfully completed an approved

training school for Grade III Biological Water Pollution Control System operators; and

- (i) have two years of actual experience at a Grade II, or higher, biological water pollution control system, or
- (ii) be a graduate of a two or four year college or university and have taken, and passed, a minimum of six courses in the basic sciences and have 18 months of actual experience at a Grade II, or higher, biological water pollution control system.

(4) for Grade IV certification, the applicant must:

- (a) hold a currently valid North Carolina Grade III Biological Water Pollution Control System Operator certificate; and
- (b) have successfully completed an approved training school for Grade IV Biological Water Pollution Control System operators; and
 - (i) have three years of actual experience at a Grade III, or higher, biological water pollution control system, or
 - (ii) be a graduate of a two or four year college or university and have taken, and passed, a minimum of six courses in the basic sciences and have two years of actual experience at a Grade III, or higher, biological water pollution control system.

Authority G.S. 90.

.0403 ELIGIBILITY REQUIREMENTS FOR WATER POLLUTION CONTROL COLLECTION SYSTEM OPERATORS

Eligibility for certification as a Water Pollution Control Collection System Operator shall be based on the following qualifications:

- (1) for Grade I certification, the applicant must: have successfully completed an approved training school for Grade I water pollution control collection system operators.
- (2) for Grade II certification, the applicant must:
 - (a) hold a currently valid North Carolina Grade I Water Pollution Control Collection System Operator certificate; and
 - (b) have six months of actual experience in water pollution control collection system operations; and
 - (c) have successfully completed an approved training school for Grade II water pollution control collection system operators.
- (3) for Grade III certification, the applicant must:
 - (a) hold a currently valid North Carolina Grade II Water Pollution Control Collection System Operator certificate; and
 - (b) have successfully completed an approved training school for Grade III water pollution

control collection system operators, and

- (i) have two years of actual experience in water pollution control collection system operations, or
- (ii) be a graduate of a two or four college or university and have taken, and passed, a minimum of six courses in a field directly related to the construction, operation, and/or maintenance of a collection system, e.g. civil, mechanical, or environmental engineering, and have one year of actual experience in the operation of a water pollution control collection system.

(4) for Grade IV certification, the applicant must:

- (a) hold a currently valid North Carolina Grade III Water Pollution Control Collection System Operator certificate; and
- (b) have successfully completed an approved training school for Grade III water pollution control collection system operators, and
 - (i) have three years of actual experience in water pollution control collection system operations, or
 - (ii) be a graduate of a two or four college or university and have taken, and passed, a minimum of six courses in a field directly related to the operation and maintenance of a collection system, e.g. civil, mechanical, or environmental engineering, and have two years of actual experience in the operation of a water pollution control collection system.

Authority G.S. 90.

.0404 ELIGIBILITY REQUIREMENTS FOR LAND APPLICATION OF RESIDUALS OPERATORS

An applicant for certification as a Land Application of Residuals Operator shall have satisfactorily completed an approved land application of residuals operator training school and:

- (1) have one year of actual experience in the land application of residuals; or
- (2) be a graduate of a two or four year college, or university, and have taken, and passed, a minimum of six courses in the basic sciences.

Authority G.S. 90.

.0405 ELIGIBILITY REQUIREMENTS FOR NONBIOLOGICAL WATER POLLUTION CONTROL SYSTEM OPERATORS

Eligibility for certification as a Nonbiological Water Pollution Control System Operator shall be based on the following qualifications:

- (1) for the Grade I have successfully completed an

approved training school for Grade I Nonbiological Water Pollution Control System Operators.

(2) for the Grade II:

- (a) possess a currently valid Grade I Nonbiological Water Pollution Control System Operator certificate; and
- (b) have one year of actual experience at a Grade II Nonbiological Water Pollution Control System; and
- (c) have successfully completed an approved training school for Grade II Nonbiological Water Pollution Control System Operators.

Authority G.S. 90.

.0406 ELIGIBILITY REQUIREMENTS FOR SPRAY IRRIGATION WATER POLLUTION CONTROL SYSTEM OPERATORS

An applicant for certification as a Spray Irrigation Water Pollution Control System Operator shall have satisfactorily completed an approved spray irrigation water pollution control system operator training school and:

- (1) have one year of actual experience in the operation of a spray irrigation water pollution control system; or
- (2) be a graduate of a two or four year college or university and have taken, and passed, a minimum of six courses in the basic sciences; or
- (3) be a private homeowner who intends to operate only their own domestic spray irrigation water pollution control system.

Authority G.S. 90.

.0407 ELIGIBILITY REQUIREMENTS FOR SUBSURFACE WATER POLLUTION CONTROL SYSTEM OPERATORS

An applicant for certification as a Subsurface Water Pollution Control System Operator shall have successfully completed an approved subsurface water pollution control system operator training school and:

- (1) have one year of actual experience in the operation of a subsurface water pollution control system; or
- (2) be a graduate of a two or four year college or university and have taken, and passed, a minimum of six courses in the basic sciences; or
- (3) be a private homeowner who intends to operate only their own domestic subsurface water pollution control system.

Authority G.S. 90.

.0408 ELIGIBILITY REQUIREMENTS FOR OPERATOR IN TRAINING (OIT) CERTIFICATION

(a) The Commission may allow an applicant for the biological water pollution control system operator certificate, or the water pollution control collection system operator certificate, to take the examination if the individual has met all of the prerequisite

education and certification requirements but has yet to meet the actual experience requirement.

(b) Upon achieving a passing score on the examination, the applicant shall be issued an Operator In Training (OIT) certificate of the same type and grade as the examination.

(c) The OIT certificate does not qualify the applicant to be designated as the ORC or Back-Up ORC of a system.

(d) OIT certificates shall be renewed annually as stipulated in 15A NCAC 8G .0701.

Authority G.S. 90.

.0409 ELIGIBILITY REQUIREMENTS FOR CONDITIONAL WATER POLLUTION CONTROL SYSTEM OPERATORS

An applicant for certification as a Conditional Water Pollution Control System Operator must successfully complete an approved training program for the operation of the water pollution control system if required by the Commission.

Authority G.S. 90.

SECTION .0500 - CERTIFICATION BY EXAMINATION

.0501 APPLYING FOR EXAMINATION

(a) All applications for examination submitted to the Commission must be:

- (1) submitted on an approved application form; and
- (2) accompanied by the appropriate nonrefundable application fee; and
- (3) completed in entirety with all required information, documentation, and signatures provided; and
- (4) postmarked at least 30 days prior to the scheduled date of the examination.

(b) Upon receipt of an application by the Commission, the application shall be reviewed for completeness and a determination as to the eligibility of the applicant to sit for the requested examination will be made.

(c) Each applicant shall be notified, in writing, of their eligibility to sit for the requested examination. Individuals determined to be eligible for an examination shall receive written notification containing information concerning the date, time and location of the examination. This written notification shall be considered a receipt from the Commission to the applicant for the examination fee. Applicants found to be ineligible for an examination shall receive written notification of the ineligibility determination.

(d) Any applicant who obtains certification by supplying false information to the Commission shall be subject to disciplinary action(s) as set forth in Section .0800 of this Subchapter.

Authority G.S. 90.

.0502 INELIGIBLE APPLICANTS

(a) Any applicant who is found to be ineligible for an examination shall be notified, in writing, of the ineligibility determination. Upon receiving notification of the ineligibility

determination, the applicant may submit additional information if they feel that the additional information will change their eligibility for the examination. Additional information submitted must be received by the Commission at least 15 calendar days prior to the scheduled date of the examination. After the additional information is received and reviewed, the applicant shall be notified, in writing, of the final decision as to their eligibility for the requested examination.

(b) Upon receiving notification of ineligibility for an examination, an applicant may request a review of the ineligibility determination by the Commission. Such a request must be submitted to the Commission in writing. Once the request is received, the applicant shall be notified, by certified mail, of the date, time, and location of the Commission meeting at which the ineligibility determination will be reviewed. This notification shall be sent at least 15 days prior to the scheduled meeting of the Commission. The results of the review of the ineligibility determination by the Commission shall be submitted to the applicant in writing and this decision shall be considered final.

Authority G.S. 90.

.0503 EXAMINATION ADMINISTRATION

(a) The Commission shall set the dates, times, and locations for all examinations.

(b) Additional examinations may be administered by the Commission at any time, or at any location, when a sufficient number of applications have been received to warrant such an examination.

(c) Each applicant approved for an examination must present a photographic form of positive identification, such as a North Carolina driver's license, to the proctor at the examination site prior to obtaining their examination.

Authority G.S. 90.

.0504 EXAMINATION GRADING

(a) A passing score on any examination administered by the Commission is achieved by earning a minimum of 70 percent of the available points on the examination.

(b) Each applicant, and only the applicant, shall be notified, in writing, of their results on an examination.

(c) If a passing score is attained by an applicant on an examination, the written notification to the applicant shall constitute the certification of the applicant as an operator of a water pollution control system of the same type and grade as the examination.

Authority G.S. 90.

.0505 EXAMINATION REVIEWS

(a) Any applicant that fails to make a passing score on an examination may request to review the examination. All requests to review an examination must be submitted to the Commission in writing within 15 days of receiving notification of failing to make a passing score on an examination. Only those applicants who fail to make a passing score on an examination will be

allowed to review their examination.

(b) Applicants who submit a written request to review an examination shall be notified of a date, time, and location at which the applicant shall be given the opportunity to review their examination. This shall be the only opportunity the applicant will be allowed for reviewing their examination.

(c) Under no circumstances shall an applicant be allowed to review their examination within 30 calendar days of an upcoming examination date.

(d) The Commission shall not review individual examination questions for the purpose of changing examination scores. However, questions may be edited for future examinations. If an error is found in an examination, the examination shall be regraded and adjustments made as necessary.

Authority G.S. 90.

SECTION .0600 - CERTIFICATION WITHOUT EXAMINATION

.0601 RECIPROCITY CERTIFICATION

(a) The Commission may issue certification without examination to individuals listed on the National Association of Boards of Certification (ABC) Reciprocity Register who possess certification of the same type and grade as those certifications offered by the Commission.

(b) All requests for reciprocity certification must be submitted on an approved application form and must be accompanied by the required nonrefundable fee and proof of listing on the ABC Reciprocity Register. Upon receipt of a reciprocity certificate application, a copy of the rules which govern certified water pollution control system operators, along with a copy of a Commission-approved Statement of Understanding agreement, shall be forwarded to the applicant. The applicant must return the signed, notarized Statement of Understanding agreement verifying that they have read and are familiar with the rules which govern certified water pollution control system operators.

(c) A reciprocity certificate shall be issued to the applicant upon receipt of the notarized Statement of Understanding by the Commission. Failure to complete and submit a notarized Statement of Understanding shall result in the request for reciprocity being denied.

(d) Applicants for reciprocity certification shall not have taken and failed to achieve a passing score on a Commission-administered examination, of the same type and grade as that for which reciprocity certification is being requested, within the previous 24 month period prior to the date of the application for reciprocity certification.

(e) Applicants who obtain reciprocity certification by providing false information to the Commission shall be subject to disciplinary action(s) as set forth in Section .0800 of this Subchapter.

Authority G.S. 90.

.0602 TEMPORARY CERTIFICATES

(a) Temporary certificates, of any type and grade, may be issued by the Commission to the operator of a water pollution

control system, for a period not to exceed one year, due to:

- (1) the unexpected vacancy of the ORC or the Back-up ORC; or
- (2) the suspension or revocation of the certification of the ORC or the Back-up ORC; or
- (3) a change in the classification of the system due to the completion of an upgrade or expansion, or permit modification; or
- (4) a modification to Commission rules.

(b) Temporary Certificates shall only be issued for the ORC or the Back-up ORC of the system specified on the application.

(c) All applications for a temporary certificate must:

- (1) be submitted by the owner of the system for the applicant; and
- (2) be accompanied by the required nonrefundable fee; and
- (3) include a letter from the owner that contains:
 - (A) an explanation for the need of a temporary certificate for the applicant; and
 - (B) an explanation of all of the efforts that were made to employ an operator who possessed the required certification; and
 - (C) a statement designating the applicant as either the ORC or Back-up ORC of the system; and
 - (D) a plan that describes the actions that:
 - (i) the applicant will pursue in order to attempt to obtain permanent certification during the effective period of the temporary certificate; and
 - (ii) the owner of the system will be pursuing in the event that the applicant fails to obtain permanent certification during the effective period of the temporary certificate.

(d) Applicants for a temporary certificate must:

- (1) possess a currently valid certificate, or a currently valid OIT certificate, of the same type as the system and that is no more than one grade lower than the classification of the system when applying as an ORC and no more than two grades lower than the classification of the system when applying as a Back-up ORC, with the exception of spray irrigation, land application of residuals, and subsurface systems; or
- (2) have a minimum of three months of actual experience in the operation of the type of system for which a temporary certificate is being applied if the temporary certificate is requested for a Grade 1 biological or nonbiological water pollution control system; and
- (3) be eligible for permanent certification prior to the expiration date of the temporary certificate; and
- (4) not have made three previous unsuccessful attempts to make a passing score on the same type and grade examination as the temporary certificate; and
- (5) have never relinquished, nor had revoked, any water pollution control operator certificate issued by the Commission.

(e) Applicants who obtain a temporary certificate by providing false information to the Commission shall be subject

to disciplinary action(s) as set forth in Section .0800 of this Subchapter.

Authority G.S. 90.

.0603 TEMPORARY CERTIFICATE RENEWAL

(a) The Commission may allow the renewal of a temporary certificate:

- (1) if the applicant fails to pass the examination for permanent certification during the original effective period of the temporary certificate; or
- (2) the owner, desiring to give the applicant additional opportunities to obtain permanent certification, failed to employ a certified operator during the original effective period of the temporary certificate; or
- (3) there is a continuing insufficiency in the supply of certified operators of the type and grade needed within reasonable proximity to the system.

(b) All applications for renewal of a temporary certificate must:

- (1) be submitted by the owner of the system 60 days prior to the expiration date of the original temporary certificate; and
- (2) be accompanied by the required nonrefundable fee; and
- (3) include a letter from the owner that explains:
 - (A) the need for renewal of the temporary certificate; and
 - (B) the reasons for the failure of the applicant to obtain permanent certification during the original effective period of the temporary certificate; and
 - (C) the efforts that have been made by the owner to employ a properly certified operator during the effective period of the original temporary certificate; and
- (D) the actions that will be taken by:
 - (i) the applicant in order to obtain permanent certification during the effective period of the renewed temporary certificate; and
 - (ii) the owner if the applicant does not obtain permanent certification during the effective period of the renewed temporary certificate.

(c) The renewal request shall be denied if the applicant has failed:

- (1) to seek permanent certification by examination during the original effective period of the temporary certificate; or
- (2) to obtain permanent certification after three examination attempts during the original effective period of the temporary certificate.

(d) A temporary certificate may only be renewed once for the same operator.

(e) Applicants who obtain a temporary certificate renewal by providing false information to the Commission shall be subject to disciplinary action(s) as set forth in Section .0800 of this

Subchapter.

Authority G.S. 90.

.0604 CONVERSION OF VOLUNTARY CERTIFICATION TO MANDATORY CERTIFICATION

(a) Individuals who hold certificates of competency under a voluntary certification program, administrated by any Commission-approved organization, may apply for the conversion of the voluntary certificate into a certificate issued by the Commission once a mandatory certification program of the same type and grade as the voluntary program has been established by the Commission.

(b) All applications submitted to the Commission requesting the conversion of a voluntary certificate to a mandatory certificate must be accompanied by the appropriate nonrefundable fee and a copy of the voluntary certificate.

Authority G.S. 90.

SECTION .0700 - RENEWAL OF CERTIFICATION

.0701 REQUIREMENTS

(a) In order to maintain a currently valid certificate, the certificate must be renewed annually by:

- (1) submitting payment of the appropriate required annual renewal fee, as set forth in G.S. 90A-42, by the end of the effective year; and
- (2) beginning December 31, 2000, and each successive year, by providing documentation of the completion of a minimum of 18 contact hours of additional training approved by the Commission during each three year period following the year of initial certification.

(b) Certificates that are not renewed for two consecutive years shall be considered invalid. In order to renew an invalid certificate, the operator shall be required to take, and make a passing score on, an examination of the same type and grade as the former certificate. In order to qualify to sit for the examination, all outstanding renewal fees and penalties that have accrued since the certificate was last renewed must be paid and all required continuing education documented.

(c) Renewal notices shall be mailed to each certified operator, at the last known address for the operator on file with the Commission, 60 calendar days prior to the renewal due date. Failure to receive a renewal notice does not relieve a certified operator of the responsibility to renew their certificate by the renewal due date.

Authority G.S. 90.

SECTION .0800 - DISCIPLINARY ACTIONS

.0801 GROUNDS FOR DISCIPLINARY ACTIONS

The Commission may take disciplinary actions, in accordance with Rule .0802 of this Section, against a certified operator for:

- (1) practicing fraud or deception in the performance of

their duties; or

- (2) failure to properly use reasonable care or judgment in the performance of their duties; or
- (3) failure to apply their knowledge or ability in the performance of their duties; or
- (4) incompetence or the inability to properly perform their duties; or
- (5) intentionally supplying false information in order to obtain, or maintain, certification; or
- (6) cheating on a certification examination.

Authority G.S. 90.

.0802 DISCIPLINARY ACTIONS

(a) The Commission may revoke, or suspend, the certification of an operator in accordance with the provisions of G.S. 90A-41. The Chairman of the Water Pollution Control System Operators Certification Commission, is delegated the authority to propose a revocation or suspension.

(b) When disciplinary actions are needed against an operator, an enforcement committee, which shall consist of, but not be limited to:

- (1) the Chairman of the Water Pollution Control System Operators Certification Commission; and
- (2) two persons appointed by the Director of the Division of Water Quality; and
- (3) representatives of the agency that has compiled the information on the operator; and
- (4) the Vice Chairman of the Commission; and
- (5) the member of the Commission who represents the type of system at which the operator is employed;

shall be convened to review the information that is submitted on the operator. The members of the committee will offer guidance to the Commission Chairman in regards to the proper actions that should be taken against the operator.

(c) Notice from the Commission Chairman of the proposed revocation, or suspension, of certification shall be delivered to the affected operator and the owner of the system(s) at which the operator is employed by certified mail, at the last known address for the operator on file with the Commission, at least 20 calendar days prior to the effective date of the proposed revocation or suspension. This notice shall contain the alleged facts or conduct upon which the revocation, or suspension, is based and shall inform the operator of their right to contest the action. If the action is not contested, the revocation, or suspension, becomes a final agency action. If the action is contested, the procedures to be followed are specified in G.S. 150B of the Administrative Procedures Act.

(d) The Commission Chairman may issue a written reprimand to an operator in accordance with G.S. 90A-41. The reprimand shall be delivered to the operator by certified mail at the last known address for the operator on file with the Commission. A copy of the reprimand shall be kept in the file maintained by the Commission on each certified operator and a copy shall be sent to the present employer of the operator. An operator who receives a reprimand shall be given the opportunity to put a letter of rebuttal into their Commission file and may contest the actions taken by the Commission in accordance with the

procedures specified in G.S. 150B of the Administrative Procedures Act.

(e) If an applicant is caught cheating on an examination by a proctor of the examination, the applicant shall be excused from the examination, the examination shall not be graded, the fee for the examination shall be forfeited by the applicant, and any other certification(s) held by the applicant with the Commission will be subject to revocation as set forth in G.S. 90A-41.

(f) If the Commission determines that an applicant cheated on an examination after the examination has been graded and certification has been conveyed to the applicant, the certification obtained through the examination shall be revoked and any other certification(s) held by the applicant with the Commission will be subject to revocation as set forth in G.S. 90A-41.

Authority G.S. 90.

.0803 CERTIFICATION FOLLOWING DISCIPLINARY ACTIONS

(a) An individual who has had certification revoked by the Commission shall petition the Commission for any new certification sought and may not petition the Commission for such new certification sooner than 730 calendar days after the effective date of the revocation. Following the denial of eligibility for re-certification after relinquishment or revocation, an operator must wait 365 calendar days before reapplying for certification. The following information must be included in the petition for certification:

- (1) a written statement explaining the actions that the individual has taken to correct those problems that lead to the revocation of the certification previously held with the Commission; and
- (2) a statement that attests to the Commission that, upon obtaining certification, the individual will comply with all rules and regulations governing the proper operation of water pollution control systems.

(b) After submittal of the petition for certification, the petitioner may be required to appear before the Commission at a regularly scheduled meeting. The petitioner shall be notified, by certified mail, of the date, time and location of the meeting at least 15 days prior to the meeting.

(c) Within 120 days following receipt of a petition for certification, the Commission shall notify the individual, in writing, of its decision to deny or grant examination eligibility in accordance with the procedures set forth in Section .0500 of this Subchapter. Eligibility for certification shall only be granted if there is substantial evidence that those conditions that lead to the revocation of previous certification held by the petitioner have been corrected.

(d) Certification of an individual whose previous certification has been revoked shall only occur by the individual sitting for, and obtaining a passing score on, an examination. The examination requirement shall not be waived. Once approval is granted by the Commission for certification after reviewing the petition for certification, the individual must submit an application, accompanied by the appropriate examination fee, and meet the examination eligibility requirements for the type of certification being sought as set forth in Section .0400 of this

Subchapter. The individual must begin the certification process at the lowest grade level offered for the type of certification sought. Operational experience accrued by the individual prior to the revocation of any previously held certification(s) shall not be considered when determining the eligibility of the individual for the examination.

(e) If the Commission denies eligibility for certification to an individual whose previous certification was revoked, the individual may appeal the decision in accordance with the procedures contained in G.S. 150B of the Administrative Procedures Act.

(f) Applicants for certification who were previously determined to be ineligible for certification due to intentionally supplying false information to the Commission must follow the procedures set forth in Paragraphs (a) through (e) of this Rule in order to obtain certification.

Authority G.S. 90.

.0804 CONTESTED CASE PROCEDURES

(a) Administrative hearings shall be held in accordance with G.S. 150B and the administrative hearing procedures codified at 15A NCAC 1B .0200 et seq., are hereby incorporated by reference including any subsequent amendments and additions.

(b) Copies of 15A NCAC 1B .0200 may be inspected at the offices of the Division of Planning and Assessment, 512 North Salisbury Street, 8th Floor, Archdale Building, Raleigh, North Carolina 27611. Copies may be obtained at the noted location or from the Rules Division of the N.C. Office of Administrative Hearings at a cost determined by those offices.

Authority G.S. 90.

SECTION .0900 - CONTRACT OPERATION OF WATER POLLUTION CONTROL SYSTEMS

.0901 RESPONSIBILITIES OF CONTRACT OPERATORS AND CONTRACT OPERATIONS FIRMS

Each contract operator, or contract operations firm, that enters into a contract with the owner of a water pollution control system to operate the system must notify the owner, in writing, within five calendar days of:

- (1) any change in the designation of the ORC or the Back-up ORC of the system; or
- (2) becoming aware of any situation or problem (preexisting, anticipated, or otherwise) which may interfere with the proper operation of the system and necessitate corrective action by the owner. This notice shall include the comments and recommendations of the operator in regards to actions or measures that should be taken to correct the noted situation or problem.

Authority G.S. 90.

.0902 ANNUAL REPORT

On or before April 1 of each year, each contract operator, or

contract operations firm, must submit an annual report to the Commission that includes:

- (1) the name, street address, mailing address, and business telephone number of the contract operator, or contract operations firm; and
- (2) the name, address, contact name, and telephone number of all water pollution control systems operated by the contract operator, or contract operations firm; and
- (3) the name, social security number, certificate type(s) and grade(s), and certification number(s) of all certified operators employed by the firm; and
- (4) the ORC or Back-up ORC designations for each operator employed by the firm and the name and permit number of each system for which each operator is the ORC or the Back-up ORC; and
- (5) the name, street address, mailing address, and telephone number of the certified laboratory(s) utilized by the contract operator, or contract operations firm; and
- (6) other information as requested by the Commission.

Authority G.S. 90.

SECTION .1000 - RULE MAKING PROCEDURES AND PETITIONS FOR REGULATORY ACTIVITY

.1001 RULE MAKING PROCEDURES

The Commission incorporates by reference 15A NCAC 8B .0100 for the purpose of its rule-making procedures.

Authority G.S. 90.

.1002 PETITIONS FOR REGULATORY ACTIVITY

(a) Any person(s) desiring to request the adoption, amendment, or repeal of a rule may make such request in a petition filed pursuant to G.S. 150B-20, addressed to the Water Pollution Control System Operators Certification Commission and mailed to the Chairman at PO Box 29535, Raleigh, NC 27626-0535. Such petitions shall contain:

- (1) a draft of the proposed rule or a summary of its intent; and
- (2) reasons for adoption of the proposed rule(s) and the effect it will have on existing rules and practices; and
- (3) the name(s) and address(es) of the petitioner(s).

(b) Petitions shall be placed on the agenda of the next regularly scheduled meeting of the Commission if received at least four weeks prior to the meeting. The Chairman shall prepare recommended responses to petitions for the Commission's consideration. Petitions shall be considered in accordance with the requirements of G.S. 150B-20.

Authority G.S. 90.

SECTION .1100 - ADMINISTRATIVE DUTIES

.1101 REFUNDING OF FEES

When refunding of fees becomes necessary, it will be the

responsibility of the Commission to determine the fees, or portion of fees, to be refunded in accordance with G.S. 90A-42.

Authority G.S. 90.

.1102 DELEGATION OF AUTHORITY

The Commission may delegate its decision-making authority to its designee, where allowed, in order to implement the sections of these Rules requiring such authority.

Authority G.S. 90.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission of Health Services intends to amend rules cited as 15A NCAC 16A .0101, .0106 and repeal 16A .0108. Notice of Rule-making Proceedings was published in the Register on May 15, 1998.

Proposed Effective Date: April 1, 1999

A Public Hearing will be conducted at 1:00 p.m. on August 5, 1998 at the Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury Street, Raleigh, NC.

Reason for Proposed Action: The Migrant Health Program currently requires private medical and dental providers, pharmacies, and hospitals who provide health services to migrant farmworkers to submit an Authorization Request form in addition to the standard claim form. Requirement of the Authorization Request form places an excessive administrative burden on providers and has had a negative impact on the Program's capacity to recruit additional providers to participate in the Program. Because virtually all Authorization Requests in the Migrant Health Program are submitted to the program with the claim after the service has been rendered, completing and processing the Authorization form has been felt to be a wasteful and unnecessary duplication of effort for both private providers and the state claims processors. The current dual authorization and claims processing procedures will be simplified to a single process of reviewing claim requests for services provided to eligible individuals.

Comment Procedures: Comments may be submitted in writing within 30 days after the date of publication of this issue of the North Carolina Register to Suzana Young, Division of Community Health, Office of Minority Health, DHHS, PO Box 29605, Raleigh, NC 27626-0605.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 16 - ADULT HEALTH

SUBCHAPTER 16A - CHRONIC DISEASE

SECTION .0100 - MIGRANT HEALTH

.0101 GENERAL

The Migrant Health program is administered by the ~~Health Care Section, Division of Adult Health, Department of Environment, Health, and Natural Resources, P.O. Box 27687, Raleigh, NC 27611-7687. Division of Community Health in the Department of Health and Human Services.~~

Authority G.S. 130A-223; Sec. 329, Public Health Services Act, 95 Stat. 569 (42 U.S.C. 254b).

.0106 ELIGIBLE MIGRANTS

All migrants are eligible for participation in the fee-for-service reimbursement aspect of the program. Migrant status shall be determined by the provider of medical care services and certified by a ~~Certification of Migrant Status form Migrant (Farmworker) Health Program Eligibility Application form (DHHS 3753)~~ signed by the patient, a person responsible for the patient, or the provider. ~~Certification forms are available from the Office of Purchase of Medical Care Services, NC Department of Environment, Health, and Natural Resources, P.O. Box 27687, Raleigh, NC 7611-7687.~~ There are no financial eligibility requirements.

Authority G.S. 130A-223.

.0108 AUTHORIZATION

(a) ~~A service must be authorized before the Migrant Health program will provide reimbursement. Requests for authorization must be submitted on an Authorization Request Form, DEHNR 3056, and include a signed Certification of Migrant Status form. Forms may be obtained from the Office of Purchase of Medical Care Services, NC Department of Environment, Health, and Natural Resources, P.O. Box 27687, Raleigh, NC 27611-7687. Time frames and procedures for authorization and claims processing are found in 15A NCAC 24A. Reimbursement rates are found in rules in 15A NCAC 24A.~~

(b) ~~Only those services listed in Paragraph (a) of Rule .0109 of this Section shall be authorized for reimbursement.~~

Authority G.S. 130A-223.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of DENR - Commission for Health Services intends to amend rules cited as 15A NCAC 18A .2801 - .2804, .2808, .2810, .2812 - .2813, .2815, .2817, .2819 - .2820, .2822 - .2825, .2827 - .2834. Notice of Rule-making Proceedings was published in the Register on February 16, 1998 and April 1, 1998.

Proposed Effective Date: April 1, 1999

A Public Hearing will be conducted at 2:30 p.m. on August 5, 1998 at the Archdale Building, Ground floor Hearing Room,

Raleigh, NC 27611.

Reason for Proposed Action: On August 29, 1997 the General Assembly adopted "An Act to Enhance and Improve Child Care in North Carolina" which was signed into law and became effective on September 16, 1997. The existing North Carolina Administrative Code is in conflict with the new General Statutes. For instance, the new Statutes allows the use of domestic kitchen equipment in child care centers regardless of facility size or number of meals served. The existing Administrative Code (15A NCAC 18A .2810) requires child care centers licensed for or serving meals to 30 or more children to use commercial kitchen equipment. The new General Statutes also requires child care centers that fry foods to use commercial hood ventilation systems. The existing Administrative Code does not have a commercial hood ventilation requirement. Other proposed changes to the Administrative Code in 15A NCAC 18A .2801 - .2804, .2810, .2812 - .2813, .2815, .2817, .2819 - .2820, .2822 - .2825, .2827 - .2834, are in response to comments received from local health departments officials and child care center operators to clarify existing administrative rules.

Comment Procedures: Comments, both written and oral, on the proposed changes to the Administrative Rules are welcome from all interested parties. Agency staff will review all comments in time to incorporate, if necessary, changes to the proposed rule package. Written comments should be mailed to Ed Norman, DENR-Div. of Env. Health, PO Box 29534, Raleigh, NC 27626-0534. Comments will be accepted through August 14, 1998.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .2800 - SANITATION OF CHILD DAY CARE FACILITIES

.2801 DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) "Adequate" means determined by the Department to be of sufficient size, volume, or technical specifications, to effectively accommodate and support the planned, current, or projected workloads for a specified operational area.
- (2) "Approved" means procedures and domestic or commercial equipment determined by the Department to be in compliance with this Section. Food service equipment and utensils which meet and are installed in accordance with National Sanitation Foundation (NSF) standards ~~or equal shall be considered as approved. The NSF standards are hereby incorporated~~

by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Environmental Health, 1330 St. Mary's Street, Raleigh, North Carolina. Copies may be obtained from the National Sanitation Foundation, P.O. Box 13011, Ann Arbor, Michigan, 48113-0140 at a cost of three hundred twenty-five dollars (\$325.00).

- (3) "Communicable Condition" means the state of being infected with a communicable agent but without symptoms.
- (4) "Communicable Disease" means any disease that can be transmitted from one person to another directly, by contact with excrement, other body fluids, or discharges from the body; or indirectly, via substances or inanimate objects, such as contaminated drinking glasses, toys or water; or via vectors, such as flies, mosquitoes, ticks, or other insects.
- (5) "Department" or "DENR" ~~"DEHNR"~~ means the N.C. North Carolina Department of Environment, Health, Environment and Natural Resources. The term also means the authorized representative of the Department.
- (6) "Division of Child Development" means the Division of Child Development of the N.C. Department of Health and Human Resources Services.
- (7) "Eating and Cooking Utensils" means and includes any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.
- (8) "Environmental Health Specialist" means a person authorized to represent the Department.
- (9) "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
- (10) "Frying" means to cook over direct heat in hot oil or fat.
- (+0) (11) "Hermetically Sealed" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.
- (+1) (12) "Hygroscopic Food" means food which readily takes up and retains moisture, such as bean sprouts.
- (+2) (13) "Impervious" means that which will not allow entrance or passage, such as an airtight plastic container that will not allow the entrance of moisture or vermin.
- (+3) (14) "Potable Water" means water from an approved source which is suitable for drinking.
- (+4) (15) "Potentially Hazardous Food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat treated food of animal origin, raw seed sprouts, and treated foods of plant

origin. The term does not include foods which have a pH level of 4.6 or below or a water activity (A_w) value of 0.85 or less.

- (15) (16) "Putrescible Materials" means materials likely to rot or putrefy, such as fruit, vegetables, meats, dairy products, or similar items.
- (16) (17) "Sanitary Sewage System" means a complete system of sewage collection, treatment, and disposal and includes septic tank systems, connection to a public or community sewage system, sewage reuse or recycle systems, mechanical or biological treatment systems, or other such systems.
- (17) (18) "Sanitize" means the approved bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A ~~2619~~, 2812.
- (18) (19) "Sewage" means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with foodhandling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater.
- (19) (20) "Single-Service Articles" means tableware, including flatware and hollowware, carry-out utensils and other items such as bags, containers, stirrers, straws, toothpicks, and wrappers which are designed, fabricated and intended by the manufacturer for one-time use.
- (20) (21) "Single-Use Articles" means bulk food containers and utensils intended by manufacturer to be used once and discarded. The term includes items such as formed buckets, bread wrappers, pickle barrels, and No. 10 cans. The term does not include ~~"single-service articles"~~ single-service articles as defined in this Section.

Authority: G.S. 110-91.

.2802 APPROVAL OF CONSTRUCTION AND RENOVATION PLANS

(a) Plans drawn to scale and specifications for new child care centers ~~construction or modifications to any existing or proposed day care facility~~ shall be submitted to the local health department for review and approval prior to initiating beginning construction. Plans drawn to scale and specifications for changes to building dimensions, kitchen specifications, or other modifications to existing child care centers shall also be submitted to the local health department for review and approval prior to construction. Plans drawn to scale and specifications for prototype "franchise" or "chain" child care centers facilities ~~may also shall be submitted by the local health department to the Environmental Health Services Section, to DENR, Division of Environmental Health, Environmental Health Services Section, Department of Environment, Health, and Natural Resources, PO Box 27687, 29534, Raleigh, North Carolina 27611-7687, 27626-0534.~~ The initial inspection for new construction or the first inspection following modifications to existing child care centers facilities shall not be made by the Environmental Health

Specialist unless these plans have been approved.

(b) Review of the plans by the local health department or the Environmental Health Services Section shall be based on the requirements of this Section.

(c) Construction and modifications shall comply with the approved plans.

Authority G.S. 110-91.

.2803 INSPECTIONS AND REPORTS

(a) Unannounced inspections of child day care centers facilities shall be made by an Environmental Health Specialist at least once each six months. An original and two copies of the Sanitation Standards Evaluation Form for Day Child Care Centers Facilities shall be completed by the Environmental Health Specialist. The original shall be submitted to the Division of Child Development by the Environmental Health Specialist. The child care center facility operator and the Environmental Health Specialist shall each retain a copy.

(b) If the Environmental Health Specialist determines that conditions found at the child care center facility at the time of any inspection are dangerous to the health of the children, the Environmental Health Specialist shall notify the Division of Child Development within 24 hours by verbal contact. The original of the inspection report documenting the dangerous conditions shall be sent to the Division of Child Development within two working days following the inspection.

(c) An Environmental Health Specialist may conduct an inspection of any child day care center facility as frequently as necessary in order to ensure compliance with applicable sanitation standards.

Authority G.S. 110-91.

.2804 FOOD SUPPLIES

(a) Food shall be in good condition, free from spoilage, filth, or other contamination and shall be safe for human consumption. Potentially hazardous foods Food shall be obtained from sources that are regulated by and comply with all laws relating to food and food labeling. The use of food packaged in hermetically sealed containers that was not prepared in a commercial food processing establishment is prohibited.

(b) Milk products that are used shall be Grade "A" pasteurized fluid milk and fluid milk products or evaporated milk. The term "milk products" means those products as defined in 15A NCAC 18A .1200. Copies of 15A NCAC 18A .1200 may be obtained from the Environmental Health Services Section, Division of Environmental Health, Department of Environment, Health, and Natural Resources, DENR, PO Box 27687, Raleigh, North Carolina 27611-7687. Unless prescribed by a physician, dry milk and dry milk products may be used only for cooking purposes, including cooked pudding desserts and flavored hot beverages.

(c) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker - packer, or repacker, and the interstate certification number issued according to law. Shell stock and shucked

shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by an attached tag that states the name and address of the original shell stock processor, the kind and quantity of shell stock, and an interstate certification number issued by the State or foreign shellfish control agency. After each container of shellstock has been emptied, the management shall remove the stub of the tag and retain it for a period of at least 90 days.

(d) Raw eggs or products containing raw eggs shall not be consumed, including raw cookie dough, cake batter, brownie mix, milkshakes, ice cream and other food products. A pasteurized egg product may be used as a substitute for raw eggs.

(e) Formula, mother's milk, and other bottled beverages sent from home shall be fully prepared, dated, and identified for the appropriate child at the child's home. All formula, mother's milk, and other bottled beverages shall be returned to the child's home or discarded at the end of each day. Formula provided by the child day care center facility shall be commercially pre-packaged, ready-to-feed, fully prepared, and packaged in single-service containers. However, formula that does not meet these requirements may be provided by the child day care center facility as prescribed by the child's physician or instructed by parent or guardian in writing. Bottles and other drinking utensils provided by the child day care center facility shall be sanitized in accordance with this Section. Formula and other beverages which require refrigeration, baby food after opening, and mother's milk shall be identified for the appropriate child and shall be refrigerated at 45°F (7°C) or below. Commercially prepared baby foods shall be served from a serving dish rather than the food jar. Upon opening jars of baby food shall be covered, dated with the date of opening, refrigerated, and used within 48 hours. However, baby food may be served directly from the jar to one child if unused portions of the food are discarded after each feeding.

(f) Facilities Child care centers receiving prepared, ready-to-eat meals from outside sources shall use only catered meals obtained from a food handling establishment permitted or inspected by a health department. During transportation, food shall meet the requirements of these Rules relating to food protection and storage.

(g) All bag lunches containing potentially hazardous foods shall be refrigerated in accordance with this Section.

Authority G.S. 110-91.

.2808 FOOD SERVICE

(a) Milk and milk products for drinking purposes may shall be served from a commercially filled container of not more than one gallon capacity or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. dispenser directly into the drinking utensil.

(b) Ice, if purchased, shall be purchased from an approved source and kept clean. Ice shall be made, handled, transported, stored and dispensed in such a manner as to be protected against contamination. Ice shall be dispensed with scoops, tongs, or other ice-dispensing utensils or through automatic ice-dispensing

equipment. Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles shall be stored to protect them from dust, drip, splash and other contamination. Ice storage bins shall be drained through an air gap.

(c) Employees preparing food shall have used antibacterial soap, dips, or hand sanitizers immediately prior to food preparation or shall use clean, disposable gloves or sanitized utensils during food preparation. This requirement is in addition to all handwashing requirements in Rule .2828 of this Section.

(d) Once served, portions of leftover food shall not be served again unless the package is intact and the food is not potentially hazardous.

(e) Between uses during service, dispensing utensils shall be stored in the food with the dispensing utensil handle extended out of the food or stored clean and dry.

(f) Children attending child care centers shall not have access to the kitchen except for in emergencies or when participating in a supervised educational activity.

(g) Nothing in these Rules shall be construed as prohibiting family style food service at child care centers so long as supervision of the children is maintained throughout each meal except that a family style food service may be prohibited during the outbreak and investigation of communicable diseases.

Authority G.S. 110-91.

.2810 SPECIFICATIONS FOR KITCHENS

(a) ~~Day-Care Facilities Licensed For child care centers licensed for or serving food to 6 to 29 Children: fewer than 30 children:~~

(1) Domestic kitchen equipment may be used. Domestic kitchen equipment shall include at least a two-compartment sink, refrigeration equipment and adequate cooking equipment. Child Day care centers facilities using multi-use articles utensils shall also provide a dishwasher. In lieu of a dishwasher and two-compartment sink, a three-compartment sink with drainboards or adequate counter top space may be used.

(2) A separate lavatory for handwashing is required in food preparation areas. If the dishwashing area is separate from the food preparation area, an additional lavatory shall be required in the dishwashing area. These handwashing lavatories shall be used only by food service ~~personnel; personnel; and~~

(3) A commercial hood shall be installed when foods are fried on-site. The hood shall be installed in accordance with the North Carolina Building Code and approved by the local building code enforcement agent.

(b) ~~Day-Care Facilities Licensed For child care centers licensed for or serving food to 30 or More Children: more children:~~

(1) Only approved Approved food service equipment shall be used. If equipment is not National Sanitation Foundation listed, the owner or operator shall submit

documentation to the Department that demonstrates that the equipment is at least equivalent to National Sanitation Foundation standards. The Department shall determine if the equipment is at least equivalent to National Sanitation Foundation Standards; When domestic kitchen equipment is used the following provisions shall apply:

(A) Potentially hazardous foods shall not be prepared prior to the day that such foods are to be served;

(B) Potentially hazardous foods that have been heated shall not be reheated or placed in refrigeration to be used in whole or in part on another day;

(C) Salads containing potentially hazardous food shall not be prepared on-site; and

(D) All meats, poultry, and fish shall be purchased in pre-portioned, ready-to-cook form.

(2) Food service equipment shall include:

(A) Where meals are prepared and multi-use articles are used, at least a three-compartment sink with drainboards or adequate countertop space, refrigeration equipment, and cooking equipment;

(B) Where meals are prepared and only single-service articles are used, at least a two-compartment sink with drainboards or adequate counter top space, refrigeration equipment, and cooking equipment; or

(B) (C) Where no meals are prepared and only single-service articles are used, refrigeration ~~equipment equipment~~, and at least a domestic two-compartment sink with drainboards or adequate countertop space, shall be required.

(3) A separate food preparation sink with drainboard shall be provided for the washing and processing of foods except where plan review shows that volume and preparation frequency do not require separate facilities.

(4) A separate lavatory for handwashing is required in food preparation and food service areas. If the dishwashing area is separate from the food preparation area, an additional lavatory shall be required in the dishwashing area. These handwashing lavatories shall be used only by food service personnel.

(5) A commercial hood shall be installed when foods are fried on-site. The hood shall be installed in accordance with the North Carolina Building Code and approved by the local building code enforcement agent.

(c) If baby food is prepared in the infant or toddler area, an infant/toddler food service area shall be provided. The infant/toddler food service area shall be used exclusively for the storage of infant bottles, warming of bottles, storage of fully prepared baby foods in their containers and the mixing of dry cereals with formula or with potable water from a source other than a lavatory used for handwashing. The food preparation

counters, bottle warming equipment, food and food contact surfaces shall not be within reach of children. The infant/toddler food service area shall contain at least an adequate refrigerator, bottle warming equipment, an easily cleanable counter top and a separate lavatory for food service handwashing only. Domestic food service equipment may be used in infant/toddler food service areas regardless of child day care center facility size.

- (1) All equipment shall be cleaned at least daily. Warming equipment shall be cleaned and sanitized as required in Rule .2812 or .2813 of this Section.
- (2) After each use, all multi-use eating and drinking articles utensils shall be cleaned and sanitized in the child day care center facility kitchen.
- (3) Single-service articles items shall be handled as required in Rule .2814 of this Section.
- (4) Counter, shelf or cabinet space shall be provided for food storage. All dry cereal shall be stored in closed, labeled containers. Food supplies shall be stored in accordance with this Section.

(d) Equipment that was installed in a day child care center facility prior to July 1, 1991 that does not meet all the design and fabrication requirements of this Section shall be deemed acceptable if it is in good repair, capable of being maintained in accordance with the rules of this Section and the food-contact surfaces are nontoxic. ~~This shall not apply to equipment required in Paragraph (e) of this Rule. This shall not apply to equipment in Paragraph (c) of this Rule or to commercial hoods that are required for frying foods.~~ Replacement equipment and new equipment acquired after July 1, 1991 shall meet the requirements of Paragraphs (a), (b) and (c) of this Rule. Licensed child care centers facilities that increase the number licensed for or that increase the number of children to whom they serve food, shall comply with all the rules of this Section. Upon change of ownership, or the closing of the operation and the issuance of a new license, the child day care center facility shall comply with all the rules of this Section.

Authority G.S. 110-91.

.2812 MANUAL CLEANING AND SANITIZING

(a) ~~Day care facilities~~ Child care centers licensed for or serving food to 30 or more children, shall provide and use a three-compartment sink with drainboards or adequate counter top space if utensils and equipment are manually cleaned and sanitized.

(b) ~~Day~~ Child care centers facilities licensed for or serving food to ~~6 to 29~~ fewer than 30 children may use a domestic dishwasher for washing and rinsing of multi-use articles utensils and equipment. Utensils and equipment shall then be sanitized in the sink as required in Subparagraph (e)(4) of this Rule. Sink compartments shall be large enough to fully submerge the largest items to be washed and each compartment shall be supplied with hot and cold running water.

(c) Drainboards or countertop space of adequate size but in no case less than 24" long shall be provided for proper handling of soiled utensils prior to washing and cleaned utensils following sanitizing.

(d) Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

(e) Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing shall be conducted in the following sequence:

- (1) Sinks shall be cleaned prior to use.
- (2) Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.
- (3) Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.
- (4) The food-contact surfaces of equipment and utensils shall be sanitized in the third compartment by:
 - (A) Immersion for at least one minute in clean, hot water at a temperature of at least 170°F (77°C);
 - (B) Immersion for at least two minutes in a clean solution containing at least 50 parts per million (ppm) of available chlorine at a temperature of at least 75°F (24°C);
 - (C) Immersion for at least two minutes in a clean solution containing at least 12.5 ~~parts per million ppm~~ of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75°F (24°C); or
 - (D) Immersion for at least two minutes in a clean solution containing at least 200 ~~parts per million ppm~~ of quaternary ammonium products and having a temperature of at least 75°F (24°C), provided that the product is labeled to show that it is effective in water having a hardness value at least equal to that of the water being used.

(f) For utensils and equipment which are either too large or impractical to sanitize in a dishwashing machine or dishwashing sink, a spray-on or wipe-on sanitizer shall be used. When spray-on or wipe-on sanitizers are used, the chemical strengths shall be those required for sanitizing multi-use eating and drinking utensils. Spray-on or wipe-on sanitizers shall be prepared daily and kept on hand for bactericidal treatment.

(g) When hot water is used for sanitizing, the following facilities shall be provided and used:

- (1) An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170°F (77°C); and
- (2) A numerically scaled indicating thermometer, accurate to $\pm 3^{\circ} \text{ F}$ ($\pm 1.5^{\circ} \text{ C}$), convenient to the sink for frequent checks of water temperature; and
- (3) Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

(h) An approved testing method or equipment shall be available, convenient, and regularly used to test chemical sanitizers to insure minimum prescribed strengths.

(i) After sanitization, all equipment and utensils shall be air

dried.

Authority G.S. 110-91.

.2813 MECHANICAL CLEANING AND SANITIZING

(a) ~~If mechanical dishwashing equipment is used, such equipment shall be constructed and operated in accordance with National Sanitation Foundation Standards or equal except as noted in Rule .2810(a)(1) of this Section.~~

(a) (b) Machine or water line mounted numerically scaled indicating thermometers, accurate to $\pm 3^{\circ}\text{F}$ ($\pm 1.5^{\circ}\text{C}$), shall be provided to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.

(b) (e) An adequate drainboard or counter top space for the proper handling of soiled utensils prior to washing and adequate space for the proper handling of cleaned utensils following sanitization shall be provided.

(c) (d) Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove gross food particles and soil prior to being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free draining.

(d) (e) Machines using chemicals for sanitization may be used provided that a suitable testing method or equipment is ~~shall be~~ available, convenient, and regularly used to test chemical sanitizers to insure minimum prescribed strengths.

(e) (f) All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary to maintain them in a satisfactory operating condition.

(f) (g) After sanitization, all equipment and utensils shall be air dried.

Authority G.S. 110-91.

.2815 WATER SUPPLY

(a) Running water under pressure shall be provided in sufficient quantities to meet the needs of cooking, cleaning, drinking, toilets, and outside uses without producing water pressure lower than 20 psi: that required by the North Carolina Plumbing Code.

(b) The water supply shall meet the requirements of 15A NCAC 18C or 15A NCAC 18A .1700 Protection of Water Supplies. Samples of water shall be collected by the Environmental Health Specialist and submitted to a state certified laboratory for bacteriological analysis annually. Other tests of water quality, as indicated by possible sources of contamination, may be collected by the Environmental Health Specialist.

(c) No cross-connections with an unapproved water supply shall exist. If potential back-flow conditions exist, an approved back-flow prevention device shall be provided.

(d) Water heating equipment that is sufficient to meet the maximum expected requirements of the child day care center

facility shall be provided. Capacity and recovery rates of hot water heating equipment shall be based on number and size of sinks, capacity of dishwashing machines, capacity of laundering machines, diaper changing facilities, and other food service and cleaning needs. Hot and cold water under pressure shall be easily accessible to all rooms where food is processed or handled, rooms in which utensils or equipment are washed, and other areas where water is required for cleaning and sanitizing, including lavatories and diaper changing areas.

(e) Hot water heating equipment shall provide hot water at a minimum temperature of 130°F (54°C) at the point of use when hot water is not used for sanitizing. When hot water is used for sanitizing, a minimum temperature of 140°F (60°C) shall be provided at the point of use. However, hot water to those areas accessible to children, including lavatories serving diaper changing areas, shall be no less than 90°F (32°C) and shall not exceed 110°F (43°C), except that for child care centers serving only school-aged children the 90°F (32°C) minimum temperature requirement shall not apply.

Authority G.S. 110-91.

.2817 TOILETS

(a) All toilet fixtures and toilet rooms shall be located to comply with the requirements of these Rules. Storage in toilet rooms shall be limited to toileting and diapering supplies. All toilet fixtures shall be easily cleanable, and in good repair. Toilet fixtures shall be child-sized, properly adapted adult toilets or potty chairs for young toddlers.

(b) Toilet fixtures shall be cleaned and sanitized when soiled and at least on a daily basis. A solution of 100 ppm chlorine solution or other equivalent methods approved by the Environmental Health Specialist shall be used for sanitizing.

(c) If potty chairs are used, they shall be located in a toilet room equipped with a spray rinse toilet or utility sink. a spray rinse toilet or utility sink shall be located in a toilet room for the purpose of cleaning potty chairs. Potty chairs shall be emptied rinsed, cleaned and sanitized when soiled or at least on a daily basis, with 100 ppm chlorine solution or equivalent method approved by the Environmental Health Specialist.

(d) When cloth diapers are used, the ~~The~~ diaper changing area shall be located proximate to a toilet room or flush-rimmed sink.

Authority G.S. 110-91.

.2819 DIAPERING AND DIAPER CHANGING FACILITIES

(a) Infants and toddlers shall be diapered at areas designated exclusively for diapering.

(b) Diapering surfaces shall be smooth, nonabsorbent, easily cleanable and shall be approved by the Environmental Health Specialist.

(c) Diapering surfaces shall be kept free of storage and shall be cleaned with a mild solution of water and detergent and sanitized after each changing. A solution of 100 ppm chlorine or equivalent methods approved by the Department Environmental Health Specialist shall be used for sanitizing. A suitable testing method or kit shall be available and used daily to

insure compliance with the minimum prescribed strength. This sanitizer shall be used from a labeled hand pump spray bottle.

(d) Each diaper changing area in a child care center facility ~~licensed for 13 or more children~~ shall include a handwash lavatory for ~~caregivers~~ caregivers, except for centers for a facility licensed for fewer less than 13 children, children and located in a residence. For centers licensed for fewer than 13 children and located in a residence a separate handwash lavatory shall be in or near diaper changing areas.

(e) The use of disposable gloves by caregivers during the diaper changing process is required if the worker has cuts or sores on hands or chapped hands. Gloves shall be discarded after use with each child.

(f) Caregivers may dispose of feces in diapers in the toilet, but shall not rinse soiled cloth diapers, or training pants or clothes. Soiled cloth diapers, training pants or clothes shall be sent to a diaper service or placed in a tightly closed plastic bag or other equivalent container approved by the Environmental Health Specialist and sent daily to the child's home to be laundered.

(g) Pre-moistened towelettes or damp paper towels shall be used for cleaning children during the changing process. Soiled paper or towelettes shall be discarded after use with each child and shall be disposed of in a covered plastic-lined receptacle.

(h) Soiled disposable diapers shall be placed in a cleanable, plastic-lined, covered container and removed to an exterior garbage area at least daily.

(i) Whether or not disposable gloves are used, caregivers ~~Caregivers~~ shall wash their hands after each diaper change in accordance with Rule .2828 of this Section.

(j) The child's hands shall be washed in the lavatory, or, in the case of infants, with single-use, pre-moistened towelettes after each diaper change.

(k) Instructions providing information to care givers in proper methods of diaper-changing and handwashing shall be posted in each diaper changing area.

Authority G.S. 110-91.

.2820 STORAGE

(a) Rooms or spaces shall be provided for the storage of equipment, furniture, toys, clothes, beds, cots, mats, and supplies and shall be kept clean. Shelving or other storage, constructed in a manner to facilitate cleaning, shall be provided for orderly storage of supplies, including mats and toys.

(b) All corrosive agents, insecticides, rodenticides, herbicides, bleaches, detergents, polishes, items containing petroleum products, any product which is under pressure in an aerosol dispensing can, and any substance which may be hazardous to a child if ingested, inhaled, or handled shall be stored in a locked storage room or cabinet, locked with a combination lock or key. Keys shall be kept out of the reach of a child and shall not be stored in the lock.

(c) A properly mixed sanitizing solution and a mild detergent solution approved by the Environmental Health Specialist ~~that is kept in the infant and toddler diaper-changing areas~~ shall not be required to be stored in a locked storage room or locked cabinet. In these areas, this sanitizer shall be clearly labeled and shall not

be accessible to ~~infants and toddlers~~ children.

(d) Medications shall be stored in a separate locked cabinet or other locked container. Medications which require refrigeration shall be stored in a locked box or locked container in a designated area for such storage in a refrigerator which is not accessible to children.

(e) Individual cubicles, lockers, or coat hooks shall be provided for storage of coats, hats, or similar items. Coat hooks not in individual cubicles or lockers, shall be spaced at least 12 horizontal inches apart. Individual toothbrushes or combs used by children shall be labeled and stored in individual toothbrush or comb cases or other approved methods.

Authority G.S. 110-91.

.2822 FURNITURE AND TOYS

(a) Furniture shall be of easily cleanable construction, and shall be kept clean and in good repair.

(b) Equipment and toys provided by the child care center facility shall be of easily cleanable construction, and shall be kept clean and in good repair. In infant and toddler rooms, mouth-contact surfaces shall be cleaned and ~~sanitized~~ in accordance with 15A NCAC .2812 of this Section or by other means approved by the Department at least daily and more frequently if necessary.

(c) Toys, furniture, cribs, or other items accessible to children, shall be free of peeling, flaking, or chalking paint.

(d) Water play activity centers shall be filled just prior to use of the center. Water must be dumped at least daily or more often if visibly soiled. The water activity unit, including toys, shall be cleaned and sanitized at least daily or more often if soiled. Wading pools are not water play activity centers and are regulated under 15A NCAC 18A .2500.

Authority G.S. 110-91.

.2823 PERSONNEL

(a) Employees shall wear clean outer clothing and shall be clean as to their person and methods of foodhandling and child care. Employees shall keep their fingernails clean and trimmed.

(b) Hair nets, caps, or similar hair restraints shall be worn by employees engaged in the preparation of food. Hair spray, barrettes, or visors are not considered an effective hair restraint.

(c) Tobacco use in any form is prohibited in the food preparation area, in any part of the child day care center facility accessible to the children, and in the playground area.

(d) Persons with a communicable disease or a communicable condition shall be excluded from situations in which transmission can be reasonably expected to occur, in accordance with Communicable Disease Control Measures ~~(15A NCAC 19A .0200)~~ under 15A NCAC 19A .0200. Any person with boils, sores, burns, infected wounds or other potentially draining lesions on the face, neck, hands, lower arms or other exposed skin shall properly bandage affected area to eliminate exposure to drainage. If exposure to drainage cannot be eliminated or proper handwashing cannot be maintained, then the employee shall be excluded from the child care center facility while the condition exists.

(e) Volunteer personnel shall adhere to the same requirements in these Rules as employees.

Authority G.S. 110-91.

.2824 FLOORS

(a) Floors and floor coverings of all food preparation, food storage, utensil-washing areas, toilet rooms, and laundry areas shall be constructed of nonabsorbent, easily cleanable, durable material such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic.

(b) Floors and floor coverings of all sleeping and play areas shall be constructed of easily cleanable, durable materials.

(c) Carpeting used as a floor covering shall be of closely woven construction, properly installed, and easily cleanable. Carpeting is prohibited in food preparation areas, equipment and utensil-washing areas, food storage areas, laundry areas, and toilet rooms.

(d) Floors in areas accessible to children, shall be free of peeling, flaking or chalking paint.

(e) All floors shall be kept clean and maintained in good repair.

(f) No identified lead poisoning hazards under 15A NCAC 18A .3101, rule governing Lead Poisoning Prevention in Children.

Authority G.S. 110-91.

.2825 WALLS AND CEILINGS

(a) The walls and ceilings, including doors and windows, of all rooms and areas shall be kept clean and in good repair. All walls shall be nonabsorbent and easily cleanable.

(b) Ceilings in rooms in which food is stored, handled or prepared, utensil-washing rooms, and toilet rooms shall be non-absorbent and easily cleanable. Acoustic ceiling material may be used where ventilation precludes the possibility of grease and moisture absorption.

(c) Walls and ceilings, including doors and windows in areas accessible to children, shall be free of peeling, flaking, or chalking paint.

(d) No identified lead poisoning hazards under 15A NCAC 18A .3101 rule governing Lead Poisoning Prevention in Children.

Authority G.S. 110-91.

.2827 COMMUNICABLE DISEASES AND CONDITIONS

(a) Any child who becomes ill at the child care center facility and is suspected of having a communicable disease or communicable condition shall be separated from the other children until the child leaves the center facility.

(b) Each child care center facility shall include a designated area for a child who becomes ill. When in use, such area shall be equipped with a bed, cot or mat and a vomitus receptacle. All materials shall be sanitized after each use. Linens and disposables shall be changed after each use.

(c) If the area is not a separate room, it shall be separated from space used by other children by a partition, screen or other means approved by the Environmental Health Specialist. This designated area shall be proximate to a toilet and lavatory, and where health and sanitation measures can be carried out without interrupting activities of other children and staff.

Authority G.S. 110-91.

.2828 HANDWASHING

(a) Employees shall be instructed that handwashing is the single most important line of defense in preventing the transmission of disease-causing organisms. Employees shall wash hands upon reporting for work; before handling food; before feeding infants or children; before handling clean utensils or equipment; after toileting or handling of body fluids (e.g., saliva, nasal secretions, vomitus, feces, urine, blood, secretions from sores, pustulant discharge); after diaper changing; and after handling soiled items such as garbage, mops, cloths, and clothing; after removing disposable gloves; and before leaving work.

(b) Children shall wash hands upon arrival at the child care center; after each visit to the toilet and toilet; before eating meals or snacks and snacks; before and after water activity play, play; after handling animals or animal cages; and before going home.

(c) Proper handwashing procedures shall include:

- (1) Using soap and tempered running water;
- (2) Rubbing hands vigorously with soap and tempered water for 15 seconds;
- (3) Washing all surfaces of the hands, to include the backs of hands, palms, wrists, under fingernails, and between fingers;
- (4) Rinsing well for 10 seconds;
- (5) Drying hands with a paper towel or mechanical dryer;
- (6) Turning off faucet with paper towel.

Authority G.S. 110-91.

.2829 WASTEWATER

All wastewater shall be disposed of in a publically-owned wastewater treatment (PWT) system or by an approved properly operating on-site wastewater system.

Authority G.S. 110-91.

.2830 SOLID WASTES

(a) Solid wastes containing food scraps or other putrescible materials shall, prior to disposal, be kept in durable, rust-resistant, nonabsorbent, water-tight, rodent-proof, and easily cleanable containers such as standard garbage cans which shall be covered with tight lids when filled or stored or not in continuous use. Refuse including scrap paper, cardboard boxes and similar items shall be stored in containers, rooms or designated areas approved by the Environmental Health Specialist.

(b) Facilities shall be provided for the washing and storage of all garbage cans and mops for child day care centers, except for centers licensed for fewer than 13 children and located in a

~~residence, facilities licensed for 13 or more children.~~ Cleaning facilities shall include combination faucet, hot and cold running water, threaded nozzle, and curbed impervious pad sloped to drain into an approved sanitary sewage system. Other cleaning facilities approved prior to July 1, 1991 shall be deemed approved if in good repair and functioning properly. Cleaning facilities replaced after July 1, 1991 shall meet the requirements of this Section.

(c) Where containerized systems are used for garbage storage, facilities shall be provided for the cleaning of such systems. A contract for off-site cleaning shall constitute compliance with this Section.

(d) Solid wastes shall be disposed of so as to prevent insect breeding and public health nuisances.

Authority G.S. 110-91.

.2831 ANIMAL AND VERMIN CONTROL: PREMISES

(a) Unrestrained animals, except those used in approved pet therapy programs, shall not be allowed in the day care facility, including the outdoor play area. Animals shall not be allowed in the food preparation areas. Animal cages shall be kept clean.

(b) Effective measures shall be taken to keep insects, rodents, and other vermin out of the child day care centers facilities and to prevent their breeding or presence on the premises.

(c) All openings to the outer air shall be protected against the entrance of flying insects. For extermination of flying insects, only approved pyrethrin-based insecticides or a fly swatter shall be used in the food preparation areas. Products shall be used only in accordance with directions and cautions appearing on their labels. Insecticides shall not come in contact with raw or cooked food, utensils, or equipment used in food preparation and serving, or with any other food-contact surface.

(d) Only those pesticides which have been properly registered with the appropriate federal regulatory agency and the North Carolina Department of Agriculture shall be used. Pesticides shall be used in accordance with the directions on the label and shall be stored in a locked storage room or cabinet separate from foods and medications.

Authority G.S. 110-91.

.2832 OUTDOOR AREAS

(a) The premises, including the outdoor play area, shall be kept clean, drained and free of litter and hazardous materials. Grass and other vegetation shall be maintained in a manner which does not encourage the harborage of vermin.

(b) All outdoor activity areas shall be kept clean. All debris, glass, dilapidated structures, and broken play equipment shall be removed. The play areas shall be free from unprotected wells, grease traps, cisterns, and utility equipment.

(c) For outdoor play equipment, the following shall apply:

- (1) Equipment shall be kept in good repair, free of peeling, flaking, or chalking paint and free of rust and corrosion;
- (2) The sandbox used in outdoor play shall be constructed to allow for proper drainage and shall be kept clean.

(d) No identified lead poisoning hazards under 15A NCAC 18A .3101 rule governing Lead Poisoning prevention in Children.

Authority G.S. 110-91.

.2833 SWIMMING AND WADING POOLS

(a) Swimming and wading pools shall be designed, constructed, operated and maintained in accordance with the N.C. Rules Governing Swimming Pools, 15A NCAC 18A .2500. Copies of these Rules may be obtained from the DENR, Division of Environmental Health, Environmental Health Services Section, Division of Environmental Health, Department of Environment, Health, and Natural Resources, PO Box 27687, 29534, Raleigh, North Carolina 27611-7687, 27626-0534.

(b) Unfiltered and nondisinfected containments of water shall not be utilized for water recreation activities. Swimming and wading pools, if present, shall be permanent structural features of the child care center facility.

Authority G.S. 110-91.

.2834 COMPLIANCE

(a) The Environmental Health Specialist shall indicate on the Sanitation Standards Evaluation Form for Child Day Care Centers Facilities whether the child care center facility is superior, approved, provisional, or disapproved. The classification shall be posted in the center facility in a conspicuous place designated by the Environmental Health Specialist. The superior, approved, provisional, or disapproved classification of a child day care center facility is based on the center's facility's compliance with the standards for construction and operation found in this Section.

(b) The degree of the child care center's facility's compliance is indicated by the total demerit-point score which is shown on the Sanitation Standards Evaluation Form that the Environmental Health Specialist completes.

- (1) For the purpose of issuing a license to a new operator, a Sanitation Standards Evaluation Form for Child Day Care Centers, Facilities, shall be forwarded to the Division of Child Development only when the child care center facility can be granted a superior classification;
- (2) A child care center facility shall be classified as superior if the total demerit score is not more than 15 and no 6-demerit-point item is violated;
- (3) A child care center facility shall be classified as approved if the total demerit score is more than 15 and not more than 30, and no 6-demerit-point item is violated;
- (4) A child care center facility shall be classified as provisional if any 6-demerit-point item is violated, or if the total demerit-point score is more than 30 but not more than 45. This provisional period shall not exceed seven days unless construction or renovation is necessary to correct any violation, in which case the Environmental Health Specialist may allow a longer provisional period;

- (5) A child care center facility shall be classified as disapproved if the demerit score is 46 or more, or if conditions which resulted in a provisional classification have not been corrected in the time period specified by the Environmental Health Specialist;
- (6) If the provisional status period exceeds seven days, or the child care center facility is disapproved, the Division of Child Development shall be notified immediately by forwarding a copy of the inspection report to the Division of Child Development. The Environmental Health Specialist shall notify the Division of Child Development in accordance with Rule .2803 of this Section;
- (7) The classification card shall not be removed except by or upon the instruction of the Environmental Health Specialist.

Authority G.S. 110-88; 110-91.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Health Services intends to amend rules cited as 15A NCAC 24A .0101 - .0102, .0302, .0402 - .0404. Notice of Rule-making Proceedings was published in the Register on May 15, 1998.

Proposed Effective Date: April 1, 1999

A Public Hearing will be conducted at 1:00 p.m. on August 5, 1998 at the Archdale Building, Ground Floor Hearing Room.

Reason for Proposed Action:

15A NCAC 24A .0101 - .0102, .0402 - These are technical amendments to change name and address of the department as a result of re-organization.

15A NCAC 24A .0302, .0403 - .0404 - In conjunction with the Migrant Health Program's proposed amendment to 15A NCAC 16A .0108, this amendment would eliminate the requirement that providers submit an Authorization Request form prior to submitting a claim for payment to the program. This would reduce paperwork and administrative costs for providers and the program. The determination of whether billed services are covered by the program would be made from information on the claim.

Comment Procedures: Comments may be submitted in writing within 30 days after the date of publication of this issue of the North Carolina Register to Richard F. Moore, Controller's Office, Purchase of Medical Care Services Unit, DHHS, PO Box 29602, Raleigh, NC 27626-00602.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

**CHAPTER 24 - GENERAL PROCEDURES FOR
PUBLIC HEALTH PROGRAMS**

SUBCHAPTER 24A - PAYMENT PROGRAMS

SECTION .0100 - GENERAL PROVISIONS

.0101 GENERAL

(a) The purpose of this Subchapter is to establish uniform policies and procedures for the administration of all Department of ~~Environment, Health, and Natural Resources~~ Health and Human Services payment programs. These Rules are intended to facilitate efficient financial eligibility and payment mechanisms with a mutual goal of the Department and the providers to render appropriate services to eligible patients.

(b) In the event of conflict between the rules in this Subchapter and the rules adopted by the various payment programs, the rules of this Subchapter will control.

(c) The rules of this Subchapter shall not apply to the North Carolina Hemophilia Assistance Plan, 15A NCAC 21F .1100 or to the Home Health Program, 15A NCAC 16A .0200.

(d) Persons who wish to receive rule-making notices concerning the rules in this Subchapter must submit a written request to the Purchase of Medical Care ~~Services, Services~~ Section, PO Box 27687, 29602, Raleigh, NC 27611-7687, 27626-0602. The request must specify the calendar year during which the person wishes to receive the notices. A check for ten dollars (\$10.00) made payable to the NC Department of ~~Environment, Health, and Natural Resources~~ Health and Human Services must be enclosed with each request to cover the cost of printing and mailing the notices for the year specified. The fee is non-refundable if there are no notices during the year.

Authority G.S. 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-205; 150B-21.2(b).

.0102 DEFINITIONS

The following definitions shall apply throughout this Subchapter:

- (1) "Benefits" means the purchase of medical or dental care on a fee-for-service basis. "Benefits" also means the purchase of medical or dental appliances.
- (2) "Department" means the Department of ~~Environment, Health, and Natural Resources~~ Health and Human Services, or its contractor.
- (3) "Inpatient services" means medical or dental care administered to a person who has been admitted to a hospital.
- (4) "Outpatient services" means medical or dental care administered without admission to a hospital.
- (5) "Payment programs" refers to Department program activities involving the purchase of medical or dental care on a fee-for-service basis or the purchase of medical or dental appliances, either through direct payment or through contracts with local health departments, other agencies, or private institutions. These activities are administered in the following:
 - (a) Children's Special Health Services,

- (b) Cancer Program,
 - (c) Kidney Program,
 - (d) Maternal and Child Health Program,
 - (e) Migrant Health Program,
 - (f) School Health Fund,
 - (g) Sickle Cell Program,
 - (h) HIV Medications Program, and
 - (i) Adult Cystic Fibrosis Program.
- (6) "Provider" means a person or entity who administers medical or dental care or furnishes medical or dental appliances under any of the payment programs.
- (7) "Authorization" means agreement by a payment program to pay for a medical or dental service or appliance provided all requirements in 15A NCAC 24A are met.

Authority G.S. 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-177; 130A-205.

SECTION .0300 - ELIGIBILITY PROCEDURES

.0302 AUTHORIZATIONS AND CLAIMS PROCESSING TIME FRAMES

The following time frames shall apply to all payment programs:

- (1) An Authorization Request must be received by the Department within one year after the date of service or it will be ~~denied~~. denied, except in the Migrant Health Program where authorizations are not used.
- (2) The Department shall respond to an Authorization Request within 45 days after receipt.
- (3) If additional information is requested, this information must be received within one year after the date of service or within 30 days after the date of the Department's request, whichever is later, or the Authorization Request will be denied.
- (4) The Department shall approve or deny an Authorization Request within 45 days after receipt of all necessary information.
- (5) A claim for payment must be received by the Department within one year after the date of service or within 45 days after the date of authorization approval, whichever is later, or the claim will be denied. Corrections to claims and requests for payment adjustment must be received by the Department within one year after the date of service or within 45 days after the date the claim is paid or returned for additional information, whichever is later, or the claim will be denied.
- (6) If there are other third party payors, a claim must show payments by those payors or it must include copies of the denials of payment from those payors. Providers must bill other payors and wait at least six months after the date of service to receive payment or denial of payment before billing the Department. If no response has been received within six months after the date of service, the provider may bill the Department, but the claim must state the date that the

other payors were billed. Providers of pharmacy outpatient services are required to bill Medicaid. However, they are not required to bill other third party payors and wait six months before billing the Department but are required to refund the Department if other third party payments are received.

- (7) The Department shall pay or deny a claim within 45 days after receipt of a completed claim.
- (8) Authorization Requests and claims for payment shall be submitted on forms approved by the Department.

Authority G.S. 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-205.

SECTION .0400 - REIMBURSEMENT

.0402 REIMBURSEMENT FOR INPATIENT HOSPITALIZATION

The Department shall reimburse providers of authorized inpatient hospitalization services at 80 percent of the hospital's inpatient cost rate, which is then applied to the amount billed for authorized services. The inpatient cost rate is a ratio of cost to charges that is derived from audited cost reports and is obtained from the Division of Medical Assistance. The Department shall use the cost rate in effect on the date a claim is received, and retroactive adjustments to claims paid shall not be made. If a cost rate cannot be obtained for an out-of-state hospital, the Department shall reimburse the hospital at 75 percent of the billed amount for authorized services. The cost rates and any subsequent amendments and editions are incorporated herein by reference in accordance with G.S. 150B-21.6. The cost rates can be obtained from the Office of the Controller, Purchase of Medical Care Services, ~~Services Section~~, PO Box ~~27687~~, 29602, Raleigh, NC ~~27611-7687~~, 27626-0602.

Authority G.S. 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-205; 130A-223.

.0403 REIMBURSEMENT FOR PROFESSIONAL, OUTPATIENT, OTHER SERVICES

(a) The Department shall reimburse providers of authorized outpatient services, professional services, and all other services not otherwise covered in the rules of this Section at the Medicaid rate in effect at the time the claim is received by the Department, except in the Migrant Health Program.

(b) The Migrant Health Program shall reimburse providers of program covered ~~authorized~~ outpatient, professional, and other services at the Medicaid rate in effect at the time the claim is received minus the allowable patient copayment to a maximum program payment of one hundred fifty dollars (\$150.00) per claim, per date of service. The allowable patient copayment is three dollars (\$3.00) for each prescribed drug and five dollars (\$5.00) per claim, per date of service for all other services. The one hundred fifty dollar (\$150.00) limit shall not apply to drugs, medical supplies, and durable medical equipment.

Authority G.S. 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-205; 130A-223.

.0404 REIMBURSEMENT FOR SERVICES NOT COVERED BY MEDICAID

(a) The Department shall reimburse providers of authorized mobility systems (including components and accessories), environmental control units, and custom seating systems for which there are no Medicaid reimbursement rates at the manufacturer's catalog price less five percent.

(b) The Department shall reimburse providers of authorized prosthetics and orthotics at the Medicare rate of reimbursement when there is no Medicaid rate of reimbursement for the item. When there is neither a Medicaid rate nor a Medicare rate for the item, the Department shall reimburse at the provider's usual charge to the general public.

(c) The Department shall reimburse providers of authorized equipment repair services for which there are no Medicaid reimbursement rates at forty five dollars (\$45.00) per hour.

(d) The Department shall reimburse physicians and dentists for authorized services for which there are no Medicaid rates at the Medicaid rate for a comparable procedure as determined by the program's medical director or at 80 percent of the amount billed, whichever is less.

(e) The Department shall reimburse providers of authorized assistive listening devices and those types of hearing aids for which there are no Medicaid rates at invoice cost plus the Medicaid dispensing fee for a new hearing aid(s).

(f) The Department shall reimburse providers of authorized amplification-related services for which there are no Medicaid rates at the rates paid for audiology services under Medicaid's Independent Practitioner Program.

(g) The Department shall reimburse providers of authorized services not otherwise specified in this Section, for which there are no Medicaid reimbursement rates, at the provider's usual charge to the general public.

(h) The Department shall reimburse providers under the Migrant Health Program at the rates specified in this Rule. Services do not have to first be authorized; however, reimbursement is contingent upon client eligibility, the provision of services covered by the program, and availability of funds.

Authority G.S. 130A-5(3); 130A-124; 130A-127; 130A-129; 130A-205.

**TITLE 21 - OCCUPATIONAL LICENSING
BOARDS**

**CHAPTER 14 - BOARD OF COSMETIC
ART EXAMINERS**

Notice is hereby given in accordance with G.S. 150B-21.2 that the N.C. State Board of Cosmetic Art Examiners intends to amend rule cited as 21 NCAC 14I.0107. Notice of Rule-making Proceedings was published in the Register on May 15, 1998.

Proposed Effective Date: April 1, 1999

A Public Hearing will be conducted at 1:00 p.m. on August 12, 1998 at the N.C. State Board of Cosmetic Art Examiners, 1201-110 Front St., Raleigh, NC 27609.

Reason for Proposed Action: To eliminate students from enrolling in more than one school at the same time.

Comment Procedures: Written comments concerning this rule-making action must be submitted by August 14, 1998 to Dee Williams, Rule-Making Coordinator, NC State Board of Cosmetic Art Examiners, 1201-110 Front, Raleigh, NC 27609.

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

**SUBCHAPTER 14I - OPERATIONS OF
SCHOOLS OF COSMETIC ART**

SECTION .0100 - RECORD KEEPING

.0107 REPORT OF ENROLLMENT

(a) A cosmetic art school shall report cosmetology enrollments to the Board not later than 30 working days after a student enrolls in school. A cosmetic art school shall report manicurist enrollments to the Board not later than 15 working days after a student enrolls in school. If a student's enrollment is not reported within 30 working days for cosmetology and 15 working days for manicurist, the cosmetic art school shall file a copy of the student's daily time records when it reports the student's enrollment.

(b) A student whose enrollment has not been properly reported to the Board will not be accepted for either the cosmetology examination or the manicurist and no hours will be credited.

~~(c) Examiners' Statement of Purpose for Cosmetic Art Education shall be given to each student at the time of enrollment. An acknowledgment of receipt of this shall be signed by the student and kept by the cosmetic art school with the permanent records of the student.~~

(c) A student can only be enrolled in one school during any given time period.

Authority G.S. 88-23; 88-30.

CHAPTER 46 - BOARD OF PHARMACY

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Board of Pharmacy intends to amend rule cited as 21 NCAC 46.1804. Notice of Rule-making Proceedings was published in the Register on November 3, 1997.

Proposed Effective Date: August 1, 1999

A Public Hearing will be conducted at 10:00 a.m. on September 14, 1998 at the Institute of Pharmacy, Auditorium, 109 Church Street, Chapel Hill, NC 27516.

Reason for Proposed Action: To prohibit the alteration of prescription orders by a party outside the practitioner-pharmacist-patient relationship and to specify requirements for delivery of prescription drugs, devices, and medical equipment to a patient off site.

Comment Procedures: Persons wishing to present oral data, views or arguments on a proposed rule or rule change, may file a notice with the Board at least 10 days prior to the public hearing at which the person wishes to speak. Comments should be limited to 10 minutes. The Board's address is PO Box 459, Carrboro, NC 27510-0459. Written submission of comments or argument will be accepted at any time up to and including September 14, 1998.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

SECTION .1800 - PRESCRIPTIONS

.1804 PRESCRIPTION: RECEIVING AND DISPENSING

(a) In order to assure that the practitioner-pharmacist-patient relationship exists and to promote the safe and secure distribution of drugs and devices, prescription orders may be

received for filling and refilling only by a pharmacist or a bona fide employee of the pharmacy. The pharmacist-manager of the pharmacy shall be ultimately responsible for the safe, lawful and secure receipt of prescription orders and delivery of prescription drugs. Notwithstanding the provisions of this Rule, prescription drugs also may be delivered by mail in accordance with the provisions of Rule 21 NCAC 46.1601(7). A party outside the practitioner-pharmacist-patient relationship may not cause or attempt to cause the alteration of a prescription order.

(b) In order to promote the safe and secure distribution of drugs, devices, and medical equipment, prescription orders may be received for filling and refilling only by the person in charge of the facility holding the device and medical equipment permit or a bona fide employee of the facility. The person in charge shall be ultimately responsible for the safe, lawful and secure receipt of prescription orders and delivery of prescription drugs, devices, and medical equipment.

(c) Prescription drugs, devices and medical equipment may be delivered off site to the patient, by mail or otherwise, including deliveries by pharmacies permitted under G.S. 90-85.21A, if at the time of delivery, the permit holder or delivery agent obtains the signature of a person accepting delivery on behalf of the patient. The document bearing the signature or a copy shall be maintained in the pharmacy for three years with the other records concerning the dispensing of the prescription drugs, devices or medical equipment and be readily retrievable. Deliveries from one health care facility pharmacy to another or within a health care facility are not governed by this Paragraph.

Authority G.S. 90-85.6; 90-85.21A; 90-85.32.

The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.

**TITLE 10 - DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

Rule-making Agency: DHHS - Division of Medical Assistance

Rule Citation: 10 NCAC 26H .0401

Effective Date: July 22, 1998

Findings Reviewed and Approved by: Julian Mann III

Authority for the rule-making: G.S. 108A-25(b)

Reason for Proposed Action: To rebase Medicaid allowables utilizing updated Resource Based Relative Value System (RBRVS).

CHAPTER 26 - MEDICAL ASSISTANCE

SUBCHAPTER 26H - REIMBURSEMENT PLANS

SECTION .0400 - PROVIDER FEE SCHEDULES

.0401 PHYSICIAN'S FEE SCHEDULE

(a) Effective January 1, 1995, (see Paragraph (b) of this Rule) physicians' services whether furnished in the office, the patient's home, a hospital, a nursing facility or elsewhere will be reimbursed based on the North Carolina Medicaid Fee Schedule, except for payments to the various Medical Faculty Practice Plans of the University of North Carolina - Chapel Hill and East Carolina University which will be reimbursed at cost and cost settled at year end. Effective January 1, 1998, the The North Carolina Medicaid Fee Schedule is based on the Medicare Fee Schedule Resource Based Relative Value System (RBRVS), in effect in fiscal year 1993 1997 [as adopted by Medicare at 56 F.R. 5950] (November 25, 1991, effective January 1, 1992, applicable to services furnished beginning January 1, 1992)], but with the following clarifications and modifications:

- (1) A maximum fee is established for each service and is applicable to all specialties and settings in which the service is rendered. Payment is equal to the lower of the maximum fee or the providers customary charge to the general public for the particular service rendered.
- (2) Fees are established on a statewide basis using the Medicare Geographic Practice Cost Indices for North Carolina.
- (3) There will be no transition period in applying the Medicaid fees whereas Medicare has a five year phase-in period.
- (4) Annual changes in the Medicaid payments will be applied each January 1 and fee increases will be applied based on the forecasted Gross National

Product (GNP) Implicit Price Deflator. Said annual changes in the Medicaid payments shall not exceed the percentage increase granted by the North Carolina General Assembly.

- (5) Fees for services deemed to be associated with adequacy of access to health care services may be increased based on administrative review. The service must be essential to the health needs of the Medicaid recipients, no other comparable treatment available and a fee adjustment must be necessary to maintain physician participation at a level adequate to meet the needs of Medicaid recipients. A fee may also be decreased based on administrative review if it is determined that the fee may exceed the Medicare allowable amount for the same or similar services, or if the fee is higher than Medicaid fees for similar services, or if the fee is too high in relation to the skills, time, and other resources required to provide the particular service.
- (6) Fees for new services are established based on this Rule, utilizing the most recent RBRVS, if applicable. If there is no relative value unit (RVU) available from Medicare, fees will be established based on the fees for similar services. If there is no RVU or similar service, the fee will be set at 75 percent of the provider's customary charge to the general public.

(b) This reimbursement limitation shall become effective in accordance with the provisions of G.S. 108A-55(c). These changes to the Physician's Fee Schedule allowables will become effective when the Health Care Financing Administration, U.S. Department of Health and Human Services, approves amendment to HCFA by the Director of the Division of Medical Assistance on or about January 1, 1998 as #MA 98-07, wherein the Director proposes amendments of the State Plan to amend Physician's Fee Schedule.

History Note: Authority G.S. 108A-25(b);

Eff. October 1, 1982;

Amended Eff. July 1, 1995; January 4, 1993; June 1, 1990; December 1, 1988;

Temporary Amendment Eff. January 22, 1998;

Temporary Amendment Eff. July 22, 1998.

APPROVED RULES

*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting of May 21, 1998 pursuant to G.S. 150B-21.17(a)(1) and reported to the Joint Legislative Administrative Procedure Oversight Committee pursuant to G.S. 150B-21.16. The full text of rules are published below when the rules have been approved by RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register. The rules published in full text are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

These rules unless otherwise noted, will become effective on the 31st legislative day of the 1998 Short Session of the General Assembly or a later date if specified by the agency unless a bill is introduced before the 31st legislative day that specifically disapproves the rule. If a bill to disapprove a rule is not ratified, the rule will become effective either on the day the bill receives an unfavorable final action or the day the General Assembly adjourns. Statutory reference: G.S. 150B-21.3.

APPROVED RULE CITATION

REGISTER CITATION TO THE NOTICE OF TEXT

02	NCAC	34	.0404*	12:14 NCR 1242
10	NCAC	30	.0207	12:14 NCR 1347
10	NCAC	41F	.0707	12:11 NCR 938
10	NCAC	41F	.0813	12:11 NCR 938
10	NCAC	47A	.0502	12:11 NCR 939
10	NCAC	47B	.0303 - .0304	12:11 NCR 939
10	NCAC	47B	.0305*	12:11 NCR 939
10	NCAC	47B	.0403*	12:11 NCR 939
15A	NCAC	10F	.0303*	not required, G.S. 150B-21.5(b)(1)
21	NCAC	68	.0305*	12:15 NCR 1426

TITLE 2 - DEPARTMENT OF AGRICULTURE

SUBCHAPTER 47B - ELIGIBILITY DETERMINATION

CHAPTER 34 - STRUCTURAL PEST CONTROL DIVISION

SECTION .0300 - COVERAGE

SECTION .0400 - PUBLIC SAFETY

.0305 CD-SA: CERTAIN DISABLED

.0404 NOTIFICATION

The licensee or the certified applicator and their employees shall reveal the name, active ingredient(s), formulation, and EPA Registration No. of any pesticide applied on any property, on request to:

CD-SA coverage shall be provided only for persons who are:

- (1) the client or his authorized agent, the property owner or occupants;
- (2) a physician or other emergency medical personnel;
- (3) the Committee; or
- (4) the Division.

- (1) ineligible for SSI and are not receiving SSI;
- (2) in need;
- (3) not inmates of correctional facilities;
- (4) not patients in institutions for mental disease;
- (5) residing in North Carolina voluntarily with the intent to remain and meet the North Carolina residency requirement for Special Assistance;
- (6) U.S. citizens or aliens lawfully admitted for permanent residence; and
- (7) not receiving Medicaid for the same month.

*History Note: Authority G.S. 106-65.29;
Eff. July 1, 1976;
Readopted Eff. November 22, 1977;
Amended Eff. April 1, 1999; August 1, 1980.*

*History Note: Authority G.S. 108A-25; 108A-41(b);
143B-153;
Eff. January 1, 1983;
Amended Eff. November 2, 1992; February 1, 1986;
Temporary Amendment Eff. October 28, 1997;
Amended Eff. April 1, 1999.*

TITLE 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

SECTION .0400 - ELIGIBILITY FACTORS

CHAPTER 47 - STATE/COUNTY SPECIAL ASSISTANCE FOR ADULTS

.0403 RESIDENCE

(a) State Residence Eligibility Requirement. An individual must be a resident of North Carolina and meet the requirements

in G.S. 108A-41(b)(3) to be eligible for Special Assistance.

(b) Moving Into, Visiting In, or Moving Out of North Carolina.

(1) Moving into or visiting in North Carolina from other states.

(A) An individual who moves to or visits in North Carolina cannot be Group I regardless of his status in the previous state.

(B) If an individual moves to North Carolina voluntarily and states his intent to remain, he is a resident of North Carolina. This includes anyone who enters North Carolina because of a job commitment or seeking work but is not receiving assistance from another state. He must apply at the county department of social services in the county in which he resides.

(C) An individual visiting in the state without a stated intent to remain is ineligible for Special Assistance.

(2) An individual who moves to another state and intends to remain there is not eligible for Special Assistance.

(c) County Residence Eligibility Requirement.

(1) An individual ordinarily has residence in the county in which he resides. However, if he is in a hospital, mental institution, intermediate care facility, skilled nursing home, boarding home, confinement center or similar facility, the county in which the facility is located may not be his legal residence. Except for Subparagraphs (2) and (3) of this Paragraph, the county of legal residence would be the county in which the individual lived in private living arrangements prior to entering a facility.

(2) A woman in domiciliary care has the county residence of her husband.

(3) If a disabled adult child (DAC) has remained in a facility (Example: domiciliary care), he remains a resident of the county and state in which his parent(s) had residence immediately prior to his reaching age 18. If he as an adult is entering domiciliary care and it is not possible to trace his county of residence as a minor, he may establish residence based on his intent to remain regardless of his parent's current legal residence.

(d) Temporary Absence.

(1) A domiciliary care applicant or recipient shall not receive Special Assistance for days he is not living in the rest home unless he is expected to return within 30 days.

(2) Temporary absence from the state or county of residence with subsequent return or intent to return does not make a Certain Disabled recipient in a private living arrangement ineligible.

(e) Verification. The worker shall accept the applicant's or recipient's statement unless there is some reason to doubt it. If there is doubt, documentary evidence shall be required. If a Certain Disabled recipient's visit to another county within the state or to another state exceeds three months, the eligibility specialist in the responsible county shall verify the following:

- (1) the recipient's intent to return;
- (2) reason for the continuing absence; and
- (3) the continuing maintenance of a home in the first county.

History Note: Authority G.S. 108A-41; 108A-41(b); 143B-153;

Eff. January 1, 1983;

Amended Eff. June 1, 1990;

Temporary Amendment Eff. October 28, 1997;

Amended Eff. April 1, 1999.

TITLE 15A - DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

.0303 BEAUFORT COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Beaufort County:

- (1) that portion of Broad Creek bounded on the north by a line running due east and west across Broad Creek through a point 1400 feet due north of Red Marker No. 6, on the south by a line running east and west across Broad Creek through the location of Red Marker No. 4, on the east and west by the high-water mark on Broad Creek;
- (2) that portion of Blounts Creek 100 yards on either side of the SR 1112 Bridge;
- (3) that portion of Blounts Creek beginning 100 yards below the Old Crist Landing and extending upstream to the NC 33 bridge;
- (4) the waters of Battalina Creek, within the territorial limits of the Town of Belhaven;
- (5) the navigable portion of Nevils Creek extending upstream from its mouth at the Pamlico River; and
- (6) that portion of Blounts Creek beginning 50 yards on the south side and 300 yards on the north side of the Blounts Creek Bridge.

(b) Speed Limit. It is unlawful to operate a vessel at greater than no-wake speed in the regulated areas described in Paragraph (a) of this Rule.

(c) Placement and Maintenance of Markers. The Board of Commissioners of Beaufort County and the City Council of the City of Washington are designated as suitable agencies for placement and maintenance of the markers implementing this Rule.

History Note: Authority G.S. 75A-3; 75A-15;

Eff. February 1, 1976;

Amended Eff. June 1, 1998; April 1, 1997; June 1, 1989; March 1, 1987; April 1, 1986; March 4, 1979.

**TITLE 21 - OCCUPATIONAL LICENSING
BOARDS**

**CHAPTER 68 - CERTIFICATION BOARD FOR
SUBSTANCE ABUSE PROFESSIONALS**

**SECTION .0300 - CLINICAL ADDICTIONS
SPECIALIST**

**.0305 CERTIFICATION REQUIREMENTS FOR
INDIVIDUAL APPLICANT**

In addition to meeting the requirements of G.S. 90-113.40, an applicant seeking certification as a clinical addictions specialist shall submit the following, if applicable:

- (1) Documentation evidencing membership in good standing in the professional discipline if seeking certification pursuant to Sections 17 or 18;
- (2) Documentation evidencing that 12 hours of HIV/AIDS training and education and six hours of professional ethics training were included in the 180 hours completed for certification in the core competencies by the applicant not in the deemed status group;
- (3) Copy of a substance abuse specialty certificate or its equivalent;
- (4) Copy of his or her masters' or doctorate degree diploma;
- (5) Completed registration form; and
- (6) Payment of the following fees:

- (a) All applicants who are in the deemed status group shall make payment of a non-refundable application fee of ten dollars (\$10.00) and payment of a non-refundable certification fee of forty dollars (\$40.00).
- (b) All other applicants shall make payment of a non-refundable application fee of twenty-five dollars (\$25.00) and payment of a non-refundable certification fee of one hundred dollars (\$100.00).
- (c) All applicants seeking certification pursuant to Criteria A of G.S. 90-113.40(c) shall make payment of a non-refundable written examination fee of one hundred dollars (\$100.00) and payment of a non-refundable oral examination fee of one hundred dollars (\$100.00).
- (d) All applicants seeking certification pursuant to Criteria B of G.S. 90-113.40(c) shall make payment of a non-refundable written examination fee of one hundred dollars (\$100.00).
- (e) All applicants seeking certification pursuant to Criteria C of G.S. 90-113.40(c) shall make payment of a non-refundable oral examination fee of one hundred dollars (\$100.00).

*History Note: Authority G.S. 90-113.30; 90-113.33; 90-113.38; 90-113.40; 90-113.41; 90-113.43;
Temporary Adoption Eff. November 15, 1997;
Eff. April 1, 1999.*

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, July 23, 1998, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Monday, July 20, 1998, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Teresa L. Smallwood, Vice Chairman
 Jim Funderburke
 Vernice B. Howard
 Philip O. Redwine
 David Twiddy

Appointed by House

Paul Powell, Chairman
 Anita White, 2nd Vice Chairman
 Mark Garside
 Steve Rader
 George Robinson

RULES REVIEW COMMISSION MEETING DATES

July 23, 1998
 August 20, 1998
 September 17, 1998

October 15, 1998
 November 19, 1998

MEETING DATE: JULY 23, 1998

LOG OF FILINGS

RULES SUBMITTED: MAY 20, 1998 THROUGH JUNE 20, 1998

AGENCY/DIVISION	RULE NAME	RULE CITATION	ACTION
DHHS/SECRETARY OF DHHS			
	Governor Morehead School Campus Parking	10 NCAC 21B .0117	Adopt
DHHS/DIVISION OF MEDICAL ASSISTANCE			
	Rate Setting Methods	10 NCAC 06H .0102	Amend
	DRG Rate Setting Methodology	10 NCAC 06H .0211	Amend
	Physician's Fee Schedule	10 NCAC 26H .0401	Amend
DENR/COASTAL RESOURCES COMMISSION			
	Use Standards	15 NCAC 07H .0310	Amend
DENR/WILDLIFE RESOURCES COMMISSION			
	Brunswick County	15 NCAC 10F .0305	Amend
	Granville, Vance & Warren Counties	15 NCAC 10F .0311	Amend
	Stanly County	15 NCAC 10F .0317	Amend
	Montgomery County	15 NCAC 10F .0327	Amend
DENR/COMMISSION FOR HEALTH SERVICES			
	Definitions	15 NCAC 18A .3101	Amend
	Persistent Elevated Blood Lead Level	15 NCAC 18A .3102	Amend
	Examination and Testing	15 NCAC 18A .3103	Amend
	Investigation	15 NCAC 18A .3104	Amend
	Lead Poisoning Hazard	15 NCAC 18A .3105	Amend
	Abatement and Remediation	15 NCAC 18A .3106	Amend

RULES REVIEW COMMISSION

Maintenance Standard	15 NCAC 18A .3107	Adopt
Application and Issuance of Certificate	15 NCAC 18A .3108	Adopt
Revocation and Denial of Certificate	15 NCAC 18A .3109	Adopt
Monitoring	15 NCAC 18A .3110	Adopt
Resident Responsibilities	15 NCAC 18A .3111	Adopt

COSMETIC ART EXAMINERS, BOARD OF

Address	21 NCAC 14A .0104	Amend
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OFFICE OF ADMINISTRATIVE HEARINGS

Content and Filing Procedures	26 NCAC 04 .0202	Amend
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RULES REVIEW COMMISSION**June 18, 1998****MINUTES**

The Rules Review Commission met on June 18, 1998, in the Rules Review Commission Conference Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners in attendance were Vice Chairman Teresa L. Smallwood, Vernice B. Howard, George S. Robinson, Jim R. Funderburk, Steven P. Rader, and David R. Twiddy (by phone).

Staff members present were: Joseph J. DeLuca, Staff Director; Bobby Bryan, Rules Review Specialist; and Sandy Webster.

The following people attended:

Valerie Chaffin
Charlotte Hall

Hunton & Williams
DHHS/MH/DD/SAS

APPROVAL OF MINUTES

The meeting was called to order at 10:20 a.m. with Vice Chairman Smallwood presiding. She asked for any discussion, comments, or corrections concerning the minutes of the May 21, 1998 meeting. There being none, the minutes were approved.

FOLLOW-UP MATTERS

10 NCAC 41A .0007 – DHHS/Social Services Commission: The agency responded that they needed additional time and would respond at next month's meeting.

10 NCAC 47B .0102 - DHHS/Social Services Commission: The rewritten rule submitted by the agency was approved by the Commission.

12 NCAC 7D .0204 – JUSTICE/NC Private Protective Services Board: The rewritten rule submitted by the agency was approved by the Commission

12 NCAC 7D .1106 – JUSTICE/NC Private Protective Services Board: The rewritten rule submitted by the agency was approved by the Commission

15A NCAC 10G .0404 – DENR/Wildlife Resources Commission: The extended period of review had expired. The Commission objected to this rule due to lack of statutory authority and ambiguity. This objection applies to existing language in the rule.

LOG OF FILINGS

ViceChairman Smallwood presided over the review of the log and all rules were approved with the following exceptions:

10 NCAC 14G .0102 – DHHS/Commission for MH/DD/SAS: The Commission objected to this rule due to lack of statutory authority and ambiguity. In (b)(41)(B), it is not clear what protective intervention techniques are specified in the "Protective Intervention

Course Manual." There is no authority for limiting what is meant by "restraint" outside of rulemaking. The added sentence in (b)(42) is unclear. The provision is a definition of "seclusion." The sentence is written as a list of three things that are not "seclusion," but the last two appear to be situations when "seclusion" should not be used rather than a limitation on the term. This objection applies to existing language in the rule.

COMMISSION PROCEDURES AND OTHER MATTERS

The next meeting will be on July 23, 1998 which is one week later than normal.

The meeting adjourned at 10:40 a.m.

Respectfully submitted,
Sandy Webster

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Brenda B. Becton
Sammie Chess Jr.
Beecher R. Gray
Melissa Owens

Meg Scott Phipps
Robert Roosevelt Reilly Jr.
Dolores O. Smith

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Alcoholic Beverage Control Commission v. Jesse Jacob Joyner, Jr.	97 ABC 1438	Phipps	06/19/98	
CRIME CONTROL AND PUBLIC SAFETY				
Marcella Skaggs v. Crime Victims Compensation Commission	98 CPS 0065	Owens	06/05/98	
Talmadge E. McHenry v. Crime Victims Compensation Commission	98 CPS 0116	Gray	06/24/98	
Mia Thompson-Clark v. Crime Victims Compensation Commission	98 CPS 0349	Chess	05/14/98	
ENVIRONMENT AND NATURAL RESOURCES				
John M. Silvia v. Department of Environment and Natural Resources	97 EHR 1646	Chess	06/03/98	
Robert G. Goff, Sr. v. Department of Environment and Natural Resources	98 EHR 0072*2	Gray	06/25/98	
Scotland Water, Cedar Circle v. Environment and Natural Resources	98 EHR 0236	Smith	06/09/98	
Robert G. Goff, Sr. v. Department of Environment and Natural Resources	98 EHR 0448*2	Gray	06/25/98	
HEALTH AND HUMAN SERVICES				
Stanley C. Ochulo v. Off./Administrative Hearings, Mr. R. Marcus Lodge	98 DHR 0021	Reilly	06/24/98	
Louise Streater v. Health and Human Services	98 DHR 0196	Gray	06/03/98	
<i>Division of Facility Services</i>				
Sunlite Retirement Home, Winnie Jane Johnson v. DHR, Facility Services	98 DHR 0124	Phipps	06/11/98	
Ann Davis Rest Home v. Group Care Licensure Section	98 DHR 0197	Phipps	06/23/98	
Diane Lingard v. DHR, Facility Svcs, Health Care Personnel Reg.	98 DHR 0214	Becton	06/22/98	
Kimberly Annette Smith Hull v. DHHS, Division of Facility Services	98 DHR 0239	Phipps	06/23/98	
Deborah Ann Holt v. DHHS, Division of Facility Services	98 DHR 0348	Phipps	06/22/98	
<i>Division of Social Services</i>				
<i>Child Support Enforcement Section</i>				
Jeffery Lee Graves v. Department of Human Resources	98 CRA 0137	Becton	06/23/98	
Donald L. Carr, Jr. v. Department of Human Resources	98 CRA 0545	Reilly	06/08/98	
Marvin Diggs v. Department of Human Resources	98 CRA 0588	Reilly	06/24/98	
Dennis Lee McNeill v. Department of Human Resources	96 CSE 1305	Gray	06/22/98	
Billy Anthony Jr. v. Department of Human Resources	97 CSE 1393	Reilly	06/24/98	
Alton D. Bagley v. Department of Human Resources	97 CSE 1424	Chess	06/02/98	
Bernel B. Berry Jr. v. Department of Human Resources	97 CSE 1435	Smith	06/12/98	
Anthony Montgomery v. Department of Human Resources	97 CSE 1442	Phipps	06/17/98	
Terry Letterman v. Department of Human Resources	97 CSE 1492	Smith	06/22/98	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Paul J. Mobley, Jr v Department of Human Resources	97 CSE 1568	Phipps	06/17/98	
Wade A. Burgess v Department of Human Resources	98 CSE 0071	Morrison	06/12/98	
Renardo Jenkins v Department of Human Resources	98 CSE 0310	Smith	06/23/98	
Anthony Love v Department of Human Resources	98 CSE 0312	Phipps	06/23/98	
Steven Kent Gold v Department of Human Resources	98 CSE 0333	Morrison	07/01/98	
Tabatha D. Pate v Department of Human Resources	98 CSE 0556	Becton	06/23/98	
Charlie Gray Hunt Jr v Department of Human Resources	98 CSE 0607	Smith	06/22/98	
Robert L. Williams v Department of Human Resources	98 CSE 0682	Smith	06/22/98	
Barbara Fanta-Blandine v Department of Human Resources	97 DCS 1486	Morrison	06/22/98	
Terita M. Sharpe v Department of Human Resources	98 DCS 0468	Morrison	06/09/98	
JUSTICE				
<i>Education and Training Standards Division</i>				
Odus Fitzgerald Darden v Sheriffs' Education & Training Standards Comm	97 DOJ 1698	Reilly	06/12/98	
William Scott Key v Sheriffs' Education & Training Standards Comm	98 DOJ 0432	Becton	06/08/98	
STATE PERSONNEL				
<i>Department of Correction</i>				
Carl W. Craven, II v Pender Correctional Institution	98 OSP 0633	Smith	06/25/98	
<i>Crime Control and Public Safety</i>				
Roger D. Davis v Crime Control & Public Safety, St. Hwy Patrol	97 OSP 0617	Chess	05/27/98	
<i>Employment Security Commission</i>				
Jane B. Bolin and Arlene G. Sellers v Employment Security Commission	97 OSP 1122* ¹	Chess	06/02/98	
Jane B. Bolin and Arlene G. Sellers v Employment Security Commission	97 OSP 1134* ¹	Chess	06/02/98	
<i>Environment and Natural Resources</i>				
Charles Anthony Bruce v ENR, Division of Parks and Recreation	98 OSP 0240	Reilly	06/08/98	
<i>Health and Human Services</i>				
Ruth Holroyd v Montgomery Cty DSS, Children's Services	97 OSP 1586	Smith	05/27/98	13 02 NCR 257
Anthony M. Ruiz v Department of Health & Human Svcs, Youth Svcs	98 OSP 0454	Gray	06/04/98	
<i>University of North Carolina</i>				
Deborah J. Fenner v NC Central University	97 OSP 0902	Chess	05/29/98	
Douglas Love, Jr v UNC Hospitals	97 OSP 0662	Reilly	06/08/98	
STATE TREASURER				
Hugh A. Wells v Consolidated Judicial Retirement System of NC, Bd of Trustees Teachers and State Employees' Retirement System	98 DST 0316	Morrison	06/05/98	13 01 NCR 166
TRANSPORTATION				
David Warren Dew et al v Motor Vehicles, Alexander Killens Comm	95 DOT 1144	Gray	06/04/98	

* Consolidated Cases.

STATE OF NORTH CAROLINA
MONTGOMERY COUNTY

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
FILE NO. 97 OSP 1586

RUTH HOLROYD,
Petitioner,

v.

MONTGOMERY COUNTY DEPARTMENT OF SOCIAL
SERVICES, DEPARTMENT OF CHILDREN'S SERVICES,
Respondent.

ORDER GRANTING SANCTIONS &
DEFAULT JUDGMENT

PETITIONER, having filed a Motion for Sanctions in accordance with N.C. Rules on Civil Procedure 26 and 37 and 26 NCAC 3 .0114 and this Matter being heard on oral argument on May 6, 1998, the undersigned Administrative Law Judge makes the following:

FINDINGS OF FACT

1. Petitioner filed her Petition for Hearing against Respondent on December 4, 1997. A copy of the Petition was served on the DSS Director, Ms. Lois Ray at the following address: Montgomery County DSS, 102 East Main Street, Drawer N, Troy, N.C. 27371-0539.
2. As a matter of professional courtesy, Petitioner also provided a copy of the Petition for Hearing to the Montgomery County Attorney, Mr. Russ Hollars at the following address: P.O. Box 567, Troy, N.C. 27371. Mr. Hollars has informed Counsel for Petitioner that Ms. Ray has declined legal representation from his office.
3. On December 9, 1998, the undersigned Administrative Law Judge issued an Order for Pre-Hearing Statements, which were due by January 8, 1998, and served it upon Counsel for Petitioner and Lois Ray, the Montgomery County Director of DSS.
4. Petitioner filed her Pre-Hearing Statement of January 8, 1998.
5. Petitioner's First Interrogatories, Request for Production of Documents and First Request for Admissions were served on March 5, 1998 and received by Respondent on or about March 9, 1998.
6. Respondent's Responses were due on March 24, 1998, and as of the date of the Motion for sanctions, no Responses had been received. Respondent did not mark any objections or request for extension.
7. On March 3, 1998, Petitioner issued a Notice of Deposition to Ms. Lois Ray for Wednesday March 18, 1998 at 10:00. The Notice was sent certified mail and received by Respondent on March 4, 1998. Ms. Ray failed to appear for the deposition. No evidence was offered as to her reasons for failing to appear.
8. After receiving the Motion to Compel & for Sanctions, Respondent filed a Pre Hearing Statement on April 2, 1998.
9. On April 2, 1998, Respondent filed its Pre Hearing Statement and this was the initial appearance of Kent Trull as attorney for the Montgomery County Department of Social Services. On April 13, 1998, Respondent attempted to file an Amended Pre Hearing Statement.
10. On April 10, 1998, Petitioner received Respondent's Response to Petitioner's First Request for Admissions. Also on April 10, 1998, Petitioner received most of the responses to Petitioner's First Set of Interrogatories and First

Request for Production of Documents. Under 26 N.C. Admin. Code 3 .0112(f), discovery responses were due within "... 15 days from receipt of a notice requesting discovery..." unless an extension is sought or objections are filed. Therefore, the discovery responses were due on March 24, 1998.

11. At oral argument, Respondent admitted that the discovery responses were untimely.
12. Respondent's evidence as to its failure to file a timely Pre Hearing Statement, to file discovery response and to appear at the deposition was that the envelopes transmitting such documents had remained Unopened.
13. Respondent retained counsel and made an effort to comply with discovery and the Orders only after the Motion for Sanctions had been filed.
14. Based on the Statement of Fees Costs which was submitted by Petitioner's counsel, the time and labor expended, the skill required, the customary fee for like work, the experience and ability of plaintiff s counsel, the services rendered and the hourly rate of the fees are all determined to be reasonable.

WHEREFORE, the undersigned Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. Respondent did not respond to Petitioner's discovery in a timely manner since the Responses were provided after the Motion for Sanctions and to Compel was filed. Discovery Responses filed after a Motion for Sanctions are still untimely and do not prevent imposition of costs. See *First Citizens v. Powell*, 58 N.C.App. 229, 292 S.E.2d 7-3) 1 (1982), *aff'd* 3)07 N.C. 467, 298 S.E.2d 386 (1983); see also, *Cheek v. Poole*, 121 N.C.App. 370, 465 S.E.2d 561(1996). Therefore, Respondent acted in violation of Rule 12 of the Rules of Procedure of the Office of Administrative Hearings and contrary to Rule 37 of the N.C. Rules of Civil Procedure.
2. Respondent's failure to file timely discovery response constitutes a waiver of any objections. Respondent's failure to request an extension of time or to request a Protective Order also constitutes a waiver.
3. Respondent's failure to file a timely Pre Hearing Statement is a violation of Orders issued BV an Administrative Law Judge and therefore a violation of Rule -37(b).
4. Respondent's failure to appear at a deposition is a violation of Rule 37(d).
5. Respondent's failure to comply with the Order for Pre Hearing Statements and with the rules governing discovery was willful and without good cause.
6. Respondent failed to meets its burden to present sufficient evidence of good cause, substantial justification or other circumstances to show that an award of expenses would be unjust. Therefore, under Rule 37(a)(4), an award of attorney fees for the Motion to Compel and for Sanctions is appropriate.
7. None of the failures of Respondent to act in a timely and good faith manner should be attributed to Mr. Trull, who acted diligently and good faith once he was retained.
8. Petitioner's request for attorney fees and costs in connection with the Motion to Compel and for Sanctions is hereby granted in the amount of \$484.00 in attorney fees and \$65.77 in costs (court reporter's fee and certified mail fee). Based on the Affidavit of Fees & Costs which was submitted by Plaintiff, the time and labor expended, the skill required, the customary fee for like work, the experience and ability of plaintiff s counsel, the services rendered and the hourly rate of the fees are all determined to be reasonable.
9. Under Rule .0114(a) and Rule 37(b)(2)c, the undersigned Administrative Law Judge issues a Default Judgment and Sanctions against Respondent such that:
 - A. It is hereby determined that the issues and allegations in the Petition for Hearing and Pre Hearing Statement are taken as true;
 - B. Any documentary evidence at the hearing of this matter or oral testimony by Respondent's witnesses

is hereby excluded;

- C. Respondent's untimely pleadings, particularly the attempted Amended Pre Hearing Statement are stricken.

Based upon the above Conclusions of Law, the undersigned makes the following

RECOMMENDED DECISION

1. Petitioner was not dismissed for just cause and was denied reasonable accommodation for her disability.
2. In accordance with 25 N.C.A.C. 1B .0428, the Respondent shall reinstate Petitioner into a comparable position to the one from which she was terminated.
3. In accordance with 25 N.C.A.C. 1B .0414(a), the Respondent shall pay attorney fees and costs in an amount that the State Personnel Commission determines to be reasonable.
4. The Respondent shall remove all information pertaining to Petitioner's dismissal from her personnel file.

ADDENDUM

As noted above, sanctions have been applied against the Respondent. In determining the appropriate remedy, the undersigned has considered the behavior of the Respondent as well as the harm done to the Petitioner. While the Petitioner has requested back pay and reinstatement of lost benefits, the undersigned has determined that that remedy is inappropriate under the circumstances. The Petitioner shall be reinstated and receive attorney's fees which will make her "whole."

However, the Petitioner who was employed at the Respondent Department of Social Services for approximately one month before being involved in an automobile accident is not, in the undersigned's opinion entitled to back pay from 1997 to 1998. Such an award would not be equitable to the Respondent and would be a windfall to the Petitioner.

NOTICE

In order to appeal a Final Decision, the person seeking review must file a Petition in the Superior Court of Wake County or in the superior court of the county where the person resides. The Petition for Judicial Review must be filed within thirty (30) days after the person is served with a copy of the Final Decision. G.S. 150B-46 describes the contents of the Petition and requires service of the Petitioner on all parties.

This the 27th day of May, 1998.

Dolores O. Smith
Administrative Law Judge

The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Athletic Trainer Examiners	3
4	Commerce	Auctioneers	4
5	Correction	Barber Examiners	6
6	Council of State	Certified Public Accountant Examiners	8
7	Cultural Resources	Chiropractic Examiners	10
8	Elections	Employee Assistance Professionals	11
9	Governor	General Contractors	12
10	Health and Human Services	Cosmetic Art Examiners	14
11	Insurance	Dental Examiners	16
12	Justice	Dietetics/Nutrition	17
13	Labor	Electrical Contractors	18
14A	Crime Control & Public Safety	Electrolysis	19
15A	Environment and Natural Resources	Foresters	20
		Geologists	21
16	Public Education	Hearing Aid Dealers and Fitters	22
17	Revenue	Landscape Architects	26
18	Secretary of State	Landscape Contractors	28
19A	Transportation	Marital and Family Therapy	31
20	Treasurer	Medical Examiners	32
*21	Occupational Licensing Boards	Midwifery Joint Committee	33
22	Administrative Procedures	Mortuary Science	34
23	Community Colleges	Nursing	36
24	Independent Agencies	Nursing Home Administrators	37
25	State Personnel	Occupational Therapists	38
26	Administrative Hearings	Opticians	40
27	NC State Bar	Optometry	42
		Osteopathic Examination & Reg. (Repealed)	44
		Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		Psychology Board	54
		Professional Engineers & Land Surveyors	56
		Real Estate Appraisal Board	57
		Real Estate Commission	58
		Refrigeration Examiners	60
		Sanitarian Examiners	62
		Social Work Certification	63
		Soil Scientists	69
		Speech & Language Pathologists & Audiologists	64
		Substance Abuse Professionals	68
		Therapeutic Recreation Certification	65
		Veterinary Medical Board	66

Note: Title 21 contains the chapters of the various occupational licensing boards.

CUMULATIVE INDEX

(Updated through July 9, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

This index provides information related to notices, rules and other documents published in the Register. It includes information about rules for which Notice of Rule-Making Proceedings or Notice of Text have been published, rules submitted to the Rules Review Commission and rules codified since the last session of the General Assembly. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds. L = Rule affects the expenditure or distribution of local government funds. SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. * = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

ACUPUNCTURE, LICENSING BOARD

21 NCAC 01 .0101 12:22 NCR 1981
21 NCAC 01 .0105 12:22 NCR 1981

ADMINISTRATION

Environmental Policy Act

1 NCAC 25 .0212 12:23 NCR 2088
1 NCAC 25 .0213 12:23 NCR 2088
1 NCAC 25 .0302 12:23 NCR 2088
1 NCAC 25 .0303 12:23 NCR 2088
1 NCAC 25 .0402 12:23 NCR 2088
1 NCAC 25 .0504 12:23 NCR 2088
1 NCAC 25 .0505 12:23 NCR 2088
1 NCAC 25 .0506 12:23 NCR 2088
1 NCAC 25 .0602 12:23 NCR 2088
1 NCAC 25 .0603 12:23 NCR 2088
1 NCAC 25 .0605 12:23 NCR 2088

Indian Affairs, Commission of

1 NCAC 15 .0201 13:02 NCR 175
1 NCAC 15 .0202 13:02 NCR 175
1 NCAC 15 .0203 13:02 NCR 175
1 NCAC 15 .0204 13:02 NCR 175
1 NCAC 15 .0205 13:02 NCR 175
1 NCAC 15 .0206 13:02 NCR 175
1 NCAC 15 .0207 13:02 NCR 175

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1 NCAC 15 .0208	13:02 NCR 175									
1 NCAC 15 .0209	13:02 NCR 175									
1 NCAC 15 .0210	13:02 NCR 175									
1 NCAC 15 .0211	13:02 NCR 175									
1 NCAC 15 .0212	13:02 NCR 175									
1 NCAC 15 .0213	13:02 NCR 175									
1 NCAC 15 .0214	13:02 NCR 175									
Purchase and Contract Division										
1 NCAC 05B .0301		12:17 NCR 1611								
1 NCAC 05B .0302		12:17 NCR 1611								
1 NCAC 05B .0310		12:17 NCR 1611								
1 NCAC 05B .0316		12:17 NCR 1611								
1 NCAC 05B .0401		12:17 NCR 1611								
1 NCAC 05B .0801		12:17 NCR 1611								
1 NCAC 05B .0802		12:17 NCR 1611								
1 NCAC 05B .1301		12:17 NCR 1611								
1 NCAC 05B .1519		12:17 NCR 1611								
1 NCAC 05B .1604		12:17 NCR 1611								
1 NCAC 05B .1906		12:17 NCR 1611								
ADMINISTRATIVE HEARINGS										
26 NCAC 01 .0102	N/A	N/A	N/A	N/A	Approve	06/18/98				
Civil Rights Division										
26 NCAC 04 .0101		12:12 NCR 1071	12:16 NCR 1508	*	Approve	04/15/98			13:01 NCR 43	
26 NCAC 04 .0201		12:12 NCR 1071	12:16 NCR 1508	*	Approve	04/15/98			13:01 NCR 43	
26 NCAC 04 .0202		12:12 NCR 1071	12:16 NCR 1508	*	Approve	04/15/98	*		13:01 NCR 43	
26 NCAC 04 .0203		12:12 NCR 1071	12:16 NCR 1508	*	Approve	04/15/98			13:01 NCR 43	
26 NCAC 04 .0204		12:12 NCR 1071	12:16 NCR 1508	*	Approve	04/15/98			13:01 NCR 43	

AGRICULTURE

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Structural Pest Control										
2 NCAC 34 .0102	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0302	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0303	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0306	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0308	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0309	12:09 NCR 743		12:14 NCR 1234	S/L	Approve	04/15/98	*		13:01 NCR 43	Addendum NCR 1419
2 NCAC 34 .0312	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98			13:01 NCR 43	12:15
2 NCAC 34 .0313	12:09 NCR 743		12:14 NCR 1234	S/L	Approve	04/15/98	*		13:01 NCR 43	Addendum NCR 1419
2 NCAC 34 .0323	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98			13:01 NCR 43	
2 NCAC 34 .0325	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0328	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0401	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0402	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98			13:01 NCR 43	
2 NCAC 34 .0403	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0404	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0406	12:09 NCR 743		12:14 NCR 1234	*	Object	04/15/98				
2 NCAC 34 .0501	12:09 NCR 743		12:14 NCR 1234	*	Approve	05/21/98	*		13:02 NCR 249	
2 NCAC 34 .0502	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0503	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0503		11:21 NCR 1651	12:06 NCR 455	*	Approve	04/15/98				
2 NCAC 34 .0503	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0504	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0505	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0506	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0507	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0508	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98			13:01 NCR 43	
2 NCAC 34 .0601	12:09 NCR 743		12:14 NCR 1234		Approve	04/15/98			13:01 NCR 43	

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					Action	Date				
2 NCAC 34 .0602		11:21 NCR 1651	12:06 NCR 455	*						
2 NCAC 34 .0602	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0604		11:21 NCR 1651	12:06 NCR 455	*						
2 NCAC 34 .0604	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0605		11:21 NCR 1651	12:06 NCR 455	*						
2 NCAC 34 .0605	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0701	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0702	12:09 NCR 743									
2 NCAC 34 .0703	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0803	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0902	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 .0904	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
2 NCAC 34 1101	12:09 NCR 743		12:14 NCR 1234	*	Approve	04/15/98	*		13:01 NCR 43	
APPRAISAL BOARD										
21 NCAC 57A .0101	13:01 NCR 3									
21 NCAC 57A .0102	13:01 NCR 3									
21 NCAC 57A .0201	13:01 NCR 3									
21 NCAC 57A .0202	13:01 NCR 3									
21 NCAC 57A .0203	13:01 NCR 3									
21 NCAC 57A .0205	13:01 NCR 3									
21 NCAC 57A .0206	13:01 NCR 3									
21 NCAC 57A .0208	13:01 NCR 3									
21 NCAC 57A .0301	13:01 NCR 3									
21 NCAC 57A .0302	13:01 NCR 3									
21 NCAC 57A .0303	13:01 NCR 3									
21 NCAC 57A .0304	13:01 NCR 3									
21 NCAC 57A .0305	13:01 NCR 3									
21 NCAC 57A .0306	13:01 NCR 3									

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21 NCAC 57A .0401	13:01 NCR 3									
21 NCAC 57A .0402	13:01 NCR 3									
21 NCAC 57A .0403	13:01 NCR 3									
21 NCAC 57A .0404	13:01 NCR 3									
21 NCAC 57A .0405	13:01 NCR 3									
21 NCAC 57A .0407	13:01 NCR 3									
21 NCAC 57A .0501	13:01 NCR 3									
ARCHITECTURE, BOARD OF										
21 NCAC 02 .0208	12:04 NCR 244									
21 NCAC 02 .0210	12:04 NCR 244									
21 NCAC 02 .0904	12:04 NCR 244		12:09 NCR 795	S//SE	Object	03/20/98	*		13:01 NCR 43	
21 NCAC 02 .0906	12:04 NCR 244		12:09 NCR 795	S//SE	Approve Object	03/20/98	*		13:01 NCR 43	
ATHLETIC TRAINER EXAMINERS, BOARD OF										
21 NCAC 03 .0101	12:18 NCR 1714		12:22 NCR 2007	S						
21 NCAC 03 .0102	12:18 NCR 1714		12:22 NCR 2007	S						
21 NCAC 03 .0103	12:18 NCR 1714		12:22 NCR 2007	S						
21 NCAC 03 .0201	12:18 NCR 1714		12:22 NCR 2007	S						
21 NCAC 03 .0301	12:18 NCR 1714		12:22 NCR 2007	S						
21 NCAC 03 .0302	12:18 NCR 1714		12:22 NCR 2007	S						
21 NCAC 03 .0303	12:18 NCR 1714		12:22 NCR 2007	S						
21 NCAC 03 .0304	12:18 NCR 1714		12:22 NCR 2007	S						
21 NCAC 03 .0401	12:18 NCR 1714		12:22 NCR 2007	S						
ATHLETIC TRAINER EXAMINERS/MEDICAL BOARD COMMITTEE										
21 NCAC 03 .0501	12:18 NCR 1714		12:22 NCR 2007	*						
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS										
21 NCAC 08A .0301	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 08A .0309	12:08 NCR 619		12:13 NCR 1138	*	Approve	04/15/98	*		13:01 NCR 43	

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21 NCAC 08F 0103	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98	*		13-01 NCR 43	
21 NCAC 08F 0105	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 08F 0302	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98	*		13-01 NCR 43	
21 NCAC 08F 0401	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 08F 0410	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 08G 0404	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98	*		13-01 NCR 43	
21 NCAC 08H 0001	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98	*		13-01 NCR 43	
21 NCAC 08I 0004	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 08I 0005	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 08J 0001	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 08J 0005	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98	*		13-01 NCR 43	
21 NCAC 08J 0006	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98	*		13-01 NCR 43	
21 NCAC 08J 0008	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 08J 0010	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 08K 0301	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98	*		13-01 NCR 43	
21 NCAC 08M 0101	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98	*		13-01 NCR 43	
21 NCAC 08M 0102	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98	*		13-01 NCR 43	
21 NCAC 08M 0201	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98	*		13-01 NCR 43	
21 NCAC 08M 0204	12-08 NCR 619		12-13 NCR 1138	*	Approve	04/15/98	*		13-01 NCR 43	

CHIROPRACTIC

12-23 NCR 2098

COMMERCE

4 NCAC 01E
4 NCAC 01F
4 NCAC 01H
4 NCAC 01I
4 NCAC 01J
4 NCAC 01K

11-09 NCR 569
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4 NCAC 01K .0501	11:09 NCR 569									
4 NCAC 01K .0502	11:09 NCR 569									
4 NCAC 01K .0503	11:09 NCR 569									
4 NCAC 01K .0504	11:09 NCR 569									
4 NCAC 01K .0505	11:09 NCR 569									
4 NCAC 01K .0506	11:09 NCR 569									
Community Assistance										
4 NCAC 19L .0805	11:09 NCR 569									
4 NCAC 19L .1900	11:09 NCR 569									
COSMETIC ART EXAMINERS										
21 NCAC 14H .0105	12:06 NCR 453		12:11 NCR 925	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	
21 NCAC 14J .0107	12:22 NCR 1981		13:02 NCR 246	*						
21 NCAC 14J .0105	12:06 NCR 453		12:11 NCR 925	*						
21 NCAC 14J .0501	12:06 NCR 453		12:11 NCR 925	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	
21 NCAC 14K .0103	12:06 NCR 453		12:11 NCR 925	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	
21 NCAC 14L .0105	12:06 NCR 453		12:11 NCR 925	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	
21 NCAC 14N .0102	12:06 NCR 453		12:11 NCR 925	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	
21 NCAC 14N .0103	12:06 NCR 453		12:11 NCR 925	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	
21 NCAC 14N .0107	12:06 NCR 453		12:11 NCR 925	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	
21 NCAC 14N .0113	12:06 NCR 453		12:11 NCR 925	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	
CRIME CONTROL & PUBLIC SAFETY										
Governor's Crime Commission										
14A NCAC 07 .0313	11:24 NCR 1818		12:01 NCR 6	*						
CULTURAL RESOURCES										
North Carolina Historical Commission										
7 NCAC 04R .0909	12:06 NCR 444	12:13 NCR 1174	12:13 NCR 1174	S	Object	03/20/98				

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7 NCAC 04R .0910	12:06 NCR 444	12:13 NCR 1174	12:13 NCR 1174	S	Approve Object	04/15/98 03/20/98	*		13:01 NCR 43	
7 NCAC 04R .0911	12:06 NCR 444	12:13 NCR 1174	12:13 NCR 1174	S	Approve Object	04/15/98 03/20/98	*		13:01 NCR 43	
7 NCAC 04R .0912	12:06 NCR 444	12:13 NCR 1174	12:13 NCR 1174	S	Approve Object	04/15/98 03/20/98	*		13:01 NCR 43	
7 NCAC 04R .0913	12:06 NCR 444	12:13 NCR 1174	12:13 NCR 1174	S	Approve Object	04/15/98 03/20/98	*		13:01 NCR 43	
7 NCAC 04R .0914	12:06 NCR 444	12:13 NCR 1174	12:13 NCR 1174	S	Approve Object	04/15/98 03/20/98			13:01 NCR 43	
7 NCAC 04R .0915	12:06 NCR 444	12:13 NCR 1174	12:13 NCR 1174	S	Approve Object	04/15/98 03/20/98	*		13:01 NCR 43	
USS North Carolina Battleship Commission										
7 NCAC 05 .0203		11:19 NCR 1436 Temp Expired 12:16 NCR 1511								
DENTAL EXAMINERS										
21 NCAC 16H .0101	12:24 NCR 2203									
21 NCAC 16H .0102	12:24 NCR 2203									
21 NCAC 16H .0103	12:24 NCR 2203									
21 NCAC 16H .0104	12:24 NCR 2203									
21 NCAC 16H .0201	12:24 NCR 2203									
21 NCAC 16H .0202	12:24 NCR 2203									
21 NCAC 16H .0203	12:24 NCR 2203									
21 NCAC 16H .0204	12:24 NCR 2203									
21 NCAC 16H .0205	12:24 NCR 2203									
21 NCAC 16H .0206	12:24 NCR 2203									
21 NCAC 16I .0004	11:20 NCR 1538									
21 NCAC 16I .0005	11:20 NCR 1538									
21 NCAC 16Q .0101	12:24 NCR 2203									
21 NCAC 16Q .0201	12:24 NCR 2203									
21 NCAC 16Q .0301	12:24 NCR 2203									
21 NCAC 16R .0002	11:20 NCR 1538									
			12:16 NCR 1511	S/L	Approve	04/15/98			13:01 NCR 43	

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21 NCAC 16R .0003	11:20 NCR 1538									
21 NCAC 16R .0005	11:20 NCR 1538									
ELECTRICAL CONTRACTORS, EXAMINERS OF										
21 NCAC 18B	12:22 NCR 1982									
21 NCAC 18B .0209	N/A	N/A	N/A		Approve	04/15/98			13:01 NCR 43	
21 NCAC 18B .0404	N/A	N/A	N/A		Approve	04/15/98			13:01 NCR 43	
21 NCAC 18B .0802	N/A	N/A	N/A		Approve	04/15/98			13:01 NCR 43	
EMPLOYEE ASSISTANCE PROFESSIONALS, BOARD OF										
21 NCAC 11 .0101	12:19 NCR 1764	12:21 NCR 1884		S/L						
21 NCAC 11 .0102	12:19 NCR 1764	12:21 NCR 1884		S/L						
21 NCAC 11 .0103	12:19 NCR 1764	12:21 NCR 1884		S/L						
21 NCAC 11 .0104	12:19 NCR 1764	12:21 NCR 1884		S/L						
21 NCAC 11 .0105	12:19 NCR 1764	12:21 NCR 1884		S/L						
21 NCAC 11 .0106	12:19 NCR 1764	12:21 NCR 1884		S/L						
21 NCAC 11 .0107	12:19 NCR 1764	12:21 NCR 1884		S/L						
21 NCAC 11 .0108	12:19 NCR 1764	12:21 NCR 1884		S/L						
21 NCAC 11 .0109	12:19 NCR 1764	12:21 NCR 1884		S/L						
21 NCAC 11 .0110	12:19 NCR 1764	12:21 NCR 1884		S/L						
21 NCAC 11 .0111	12:19 NCR 1764	12:21 NCR 1884		S/L						
21 NCAC 11 .0112	12:19 NCR 1764	12:21 NCR 1884		S/L						
ENVIRONMENT AND NATURAL RESOURCES										
15A NCAC 01J .0401	12:08 NCR 614	12:09 NCR 833	12:14 NCR 1266	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 01J .0402	12:08 NCR 614	12:09 NCR 833	12:14 NCR 1266	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 01K	10:19 NCR 2506									
15A NCAC 01M .0101		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0102		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0201		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0202		11:19 NCR 1439	Temp Expired							

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15A NCAC 01M .0301		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0302		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0303		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0304		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0305		11:19 NCR 1439	Temp Expired							
15A NCAC 01M .0306		11:19 NCR 1439	Temp Expired							
15A NCAC 01N .0101	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0102	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0103	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0201	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0202	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0203	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0301	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0302	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0303	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0304	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0401	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0402	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0403	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0501	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0502	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0503	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0601	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0602	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0603	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0604	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0605	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0606	12:08 NCR 614	12:16 NCR 1511								

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15A NCAC 01N .0701	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0702	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0703	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0704	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0705	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0801	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0802	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0901	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01N .0902	12:08 NCR 614	12:16 NCR 1511								
15A NCAC 01O .0101	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0102	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0103	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0104	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0105	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0106	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0107	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0108	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 01O .0109	12:16 NCR 1482	12:17 NCR 1617								
15A NCAC 12B .0901		12:03 NCR 209								
15A NCAC 19C .0206		12:15 NCR 1451								

Coastal Resources Commission

15A NCAC 07	11:04 NCR 183									
15A NCAC 07H .0208	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 07H .0208	12:21 NCR 1873									
15A NCAC 07H .0209	12:21 NCR 1873									
15A NCAC 07H .0210	12:02 NCR 52									
15A NCAC 07H .0306	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .0306	12:19 NCR 1763									

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15A NCAC 07H .0308	12.16 NCR 1489		13.01 NCR 26	S						
15A NCAC 07H .0310	12.11 NCR 919		12.20 NCR 1828	S						
15A NCAC 07H .1100	12.21 NCR 1873									
15A NCAC 07H .1200	12.21 NCR 1873									
15A NCAC 07H .1300	12.21 NCR 1873									
15A NCAC 07H .1400	12.21 NCR 1873									
15A NCAC 07H .1500	12.21 NCR 1873									
15A NCAC 07H .1600	12.21 NCR 1873									
15A NCAC 07H .1600	11.15 NCR 1200									
15A NCAC 07H .1601	11.15 NCR 1200									
15A NCAC 07H .1604	11.15 NCR 1200									
15A NCAC 07H .1605	11.15 NCR 1200		11.27 NCR 2071	*	Approve	04/15/98			13.01 NCR 43	
15A NCAC 07H .1700	12.21 NCR 1873		11.27 NCR 2071	*	Approve	04/15/98	*		13.01 NCR 43	
15A NCAC 07H .1705	12.16 NCR 1489		11.27 NCR 2071	*	Approve	04/15/98	*		13.01 NCR 43	
15A NCAC 07H .1705	12.16 NCR 1489		13.01 NCR 26	S						
15A NCAC 07H .0200	12.24 NCR 2202									
15A NCAC 07H .0405	12.24 NCR 2202									
15A NCAC 07K .0203	12.21 NCR 1873									
15A NCAC 07K .0208	12.21 NCR 1873									
15A NCAC 07L .0202	12.21 NCR 1874									
15A NCAC 07L .0203	12.21 NCR 1874									
15A NCAC 07L .0206	12.21 NCR 1874									
15A NCAC 07L .0302	12.21 NCR 1874									
15A NCAC 07L .0304	12.21 NCR 1874									
15A NCAC 07L .0401	12.21 NCR 1874									
15A NCAC 07L .0405	12.21 NCR 1874									
15A NCAC 07M .0300	12.24 NCR 2202									
15A NCAC 07O .0105	13.02 NCR 176									
15A NCAC 07O .0202	13.02 NCR 176									

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Environmental Management Commission											
15A NCAC 02 10:24 NCR 3045											
15A NCAC 02 11:04 NCR 183											
15A NCAC 02 11:19 NCR 1408											
15A NCAC 02B .0101 11:24 NCR 1818			11:30 NCR 2303	*							
15A NCAC 02B .0202 11:24 NCR 1818			11:30 NCR 2303	*							
15A NCAC 02B .0223 11:02 NCR 75											
15A NCAC 02B .0223 11:03 NCR 109											
15A NCAC 02B .0227 10:18 NCR 2400			11:12 NCR 973	*							
15A NCAC 02B .0230 11:24 NCR 1818			11:30 NCR 2303	*							
15A NCAC 02B .0231 11:02 NCR 75			11:10 NCR 824 11:14 NCR 1136	L/SE							
15A NCAC 02B .0233 11:02 NCR 75		12:02 NCR 77 12:14 NCR 1348 12:20 NCR 1836	11:10 NCR 824 11:14 NCR 1136	L L	Object Approve	01/15/98 02/19/98	*		12:22 NCR 2012	Pending Leg. Action	
15A NCAC 02B .0308 12:12 NCR 993			12:06 NCR 462 12:21 NCR 1879 12:23 NCR 2091 12:19 NCR 1769	S/L/SE * L *							
15A NCAC 02B .0308 12:14 NCR 1233											
15A NCAC 02B .0308 12:16 NCR 1489											
15A NCAC 02B .0309 12:14 NCR 1233			12:19 NCR 1769	*							
15A NCAC 02B .0311 12:10 NCR 865			12:20 NCR 1825	*							
15A NCAC 02B .0311 12:23 NCR 2088											
15A NCAC 02B .0313 12:10 NCR 865			12:20 NCR 1825	*							
15A NCAC 02B .0316 11:26 NCR 1976			12:01 NCR 6	*	Approve	01/15/98	*		12:21 NCR 1886	Extend Com. Period 12:13 NCR 1095 Pending Leg. Action	
15A NCAC 02D .0101 12:02 NCR 52											
15A NCAC 02D .0101 12:16 NCR 1482											
15A NCAC 02D .0105 N/A		N/A	N/A		Approve	04/15/98			13:01 NCR 43		
15A NCAC 02D .0108 11:15 NCR 1200											

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15A NCAC 02D 0307	11:15 NCR 1200									
15A NCAC 02D 0405	12:16 NCR 1482									
15A NCAC 02D 0409	12:16 NCR 1482									
15A NCAC 02D 0410	12:16 NCR 1482									
15A NCAC 02D 0501	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D 0501	11:15 NCR 1200									
15A NCAC 02D 0501	11:04 NCR 183									
15A NCAC 02D 0518	11:19 NCR 1408									
15A NCAC 02D 0521	11:15 NCR 1200									
15A NCAC 02D 0524	11:15 NCR 1200									
15A NCAC 02D 0525	11:15 NCR 1200									
15A NCAC 02D 0535	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02D 0601	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D 0602	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D 0604	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D 0605	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D 0606	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D 0607	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D 0608	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D 0610	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D 0610	11:15 NCR 1200		12:22 NCR 1983	*						
15A NCAC 02D 0611	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D 0611	11:15 NCR 1200		12:22 NCR 1983	*						
15A NCAC 02D 0612	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D 0612	11:15 NCR 1200		12:22 NCR 1983	*						
15A NCAC 02D 0613	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D 0613	11:15 NCR 1200		12:22 NCR 1983	*						
15A NCAC 02D 0614	10:18 NCR 2318		12:22 NCR 1983	*						

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					Action	Date				
15A NCAC 02D .0614	11:15 NCR 1200									
15A NCAC 02D .0615	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0615	11:15 NCR 1200									
15A NCAC 02D .0806	11:26 NCR 1976									
15A NCAC 02D .0902	11:19 NCR 1408									
15A NCAC 02D .0903	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D .0903	11:15 NCR 1200									
15A NCAC 02D .0909	11:19 NCR 1408									
15A NCAC 02D .0912	11:15 NCR 1200									
15A NCAC 02D .0917	11:19 NCR 1408									
15A NCAC 02D .0918	11:19 NCR 1408									
15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									
15A NCAC 02D .0922	11:19 NCR 1408									
15A NCAC 02D .0923	11:19 NCR 1408									
15A NCAC 02D .0924	11:19 NCR 1408									
15A NCAC 02D .0927	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02D .0934	11:19 NCR 1408									
15A NCAC 02D .0948	11:19 NCR 1408									
15A NCAC 02D .0949	11:19 NCR 1408									
15A NCAC 02D .0950	11:19 NCR 1408									
15A NCAC 02D .0951	11:19 NCR 1408									
15A NCAC 02D .0952	12:16 NCR 1482									
15A NCAC 02D .0954	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1102	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02D .1103	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	

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15A NCAC 02D 1104	11:08 NCR 442		12:08 NCR 650	SI	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02D 1104	12:02 NCR 52	12:02 NCR 77								
15A NCAC 02D 1105	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D 1105	11:15 NCR 1200									
15A NCAC 02D 1106	11:08 NCR 442		12:08 NCR 650	SI	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02D 1106	11:26 NCR 1976									
15A NCAC 02D 1200	12:16 NCR 1482									
15A NCAC 02D 1201	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02D 1203	11:15 NCR 1200		12:22 NCR 1983	*						
15A NCAC 02D 1204	10:18 NCR 2318									
15A NCAC 02D 1204	12:16 NCR 1482									
15A NCAC 02D 1205	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02D 1404	10:18 NCR 2318		12:22 NCR 1983	*						
15A NCAC 02D 1404	11:15 NCR 1200									
15A NCAC 02D 1500	11:19 NCR 1408									
15A NCAC 02D 1500	12:20 NCR 1817									
15A NCAC 02D 1700	12:02 NCR 52									
15A NCAC 02D 1903	12:16 NCR 1482									
15A NCAC 02D 1904	12:16 NCR 1482									
15A NCAC 02D 2200	11:26 NCR 1976									
15A NCAC 02H 0226	12:20 NCR 1817									
15A NCAC 02H 0610	10:18 NCR 2317									
15A NCAC 02H 0610	11:08 NCR 442			*						
15A NCAC 02H 0610	12:02 NCR 52	12:02 NCR 77	12:08 NCR 650	*						
15A NCAC 02H 1202	11:15 NCR 1200									
15A NCAC 02H 1203	11:15 NCR 1200									
15A NCAC 02H 1204	11:15 NCR 1200									
15A NCAC 02H 1205	11:15 NCR 1200									
15A NCAC 02H 11:15	11:15 NCR 1200									

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	11:15 NCR 1204									
15A NCAC 02L .0106		10:19 NCR 2508	11:21 NCR 1639	*	Approve	12/18/98	*		12:17 NCR 1620	Pending Leg. Action
15A NCAC 02L .0106		12:08 NCR 713								
15A NCAC 02L .0115	11:15 NCR 1200		11:21 NCR 1639	L	Object	12/18/97				
15A NCAC 02L .0115	11:15 NCR 1204	12:08 NCR 713			Approve	02/19/98	*		12:22 NCR 2012	Pending Leg. Action
15A NCAC 02L .0202	10:20 NCR 2591									
15A NCAC 02N	11:15 NCR 1200									
15A NCAC 02N	11:15 NCR 1204									
15A NCAC 02N .0701	11:15 NCR 1200	12:08 NCR 713	11:21 NCR 1639	*	Approve	12/18/97	*		12:17 NCR 1620	Pending Leg. Action
15A NCAC 02N .0707	11:15 NCR 1204	12:08 NCR 713	11:21 NCR 1639	*	Object	12/18/97			12:22 NCR 2012	Pending Leg. Action
15A NCAC 02P	11:15 NCR 1200				Approve	02/19/98	*		12:17 NCR 1620	Pending Leg. Action
15A NCAC 02P .0402	11:15 NCR 1204	10:19 NCR 2512	11:21 NCR 1639	*	Approve	12/18/97				
15A NCAC 02P .0402	11:15 NCR 1204	12:08 NCR 713			Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0101	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0102	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98				
15A NCAC 02Q .0102			11:06 NCR 350	*						
15A NCAC 02Q .0102	11:19 NCR 1408									
15A NCAC 02Q .0102	12:02 NCR 52									
15A NCAC 02Q .0102	12:16 NCR 1482									
15A NCAC 02Q .0103	12:16 NCR 1482									
15A NCAC 02Q .0103	12:20 NCR 1817									
15A NCAC 02Q .0107	12:16 NCR 1482									
15A NCAC 02Q .0300	11:26 NCR 1976									
15A NCAC 02Q .0300	12:20 NCR 1817									
15A NCAC 02Q .0301	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0400	12:04 NCR 240									
15A NCAC 02Q .0500	12:20 NCR 1817									
15A NCAC 02Q .0501	10:18 NCR 2317		12:08 NCR 650	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0700	11:08 NCR 442									

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15A NCAC 02Q .0701	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0702	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0703	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0704	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0705	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0706	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0707	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0708	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0709	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0710	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02Q .0711	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0712	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0713	11:08 NCR 442		12:08 NCR 650	SE	Approve	04/15/98			13:01 NCR 43	
15A NCAC 02Q .0801	12:02 NCR 52									
15A NCAC 02Q .0803	12:02 NCR 52									
15A NCAC 02Q .0808	12:16 NCR 1482									
15A NCAC 02R .0101	12:02 NCR 52		12:14 NCR 1267	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0102	12:02 NCR 52		12:14 NCR 1267	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0201	12:02 NCR 52		12:14 NCR 1267	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0202	12:02 NCR 52		12:14 NCR 1267	S	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0203	12:02 NCR 52		12:14 NCR 1267	S	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0204	12:02 NCR 52		12:14 NCR 1267	S						
15A NCAC 02R .0205	12:02 NCR 52		12:14 NCR 1267	S						
15A NCAC 02R .0301	12:02 NCR 52		12:14 NCR 1267	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0302	12:02 NCR 52		12:14 NCR 1267	S	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0401	12:02 NCR 52		12:14 NCR 1267	S	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0402	12:02 NCR 52		12:14 NCR 1267	S	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0403	12:02 NCR 52		12:14 NCR 1267	S	Approve	04/15/98	*		13:01 NCR 43	

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15A NCAC 02R .0501	12:02 NCR 52		12:14 NCR 1267	S	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0502		11:27 NCR 2075	12:14 NCR 1267	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0503		11:27 NCR 2075	12:14 NCR 1267	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0504		11:27 NCR 2075	12:14 NCR 1267	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 02R .0600	12:02 NCR 52									
Health Services, Commission for										
15A NCAC 13A .0100	12:02 NCR 52									
15A NCAC 13A .0109	12:07 NCR 509		12:22 NCR 2000	*						
15A NCAC 13A .0110	12:07 NCR 509		12:22 NCR 2000	*						
15A NCAC 13A .0111	12:07 NCR 509		12:22 NCR 2000	*						
15A NCAC 13B .1301		12:12 NCR 1064	12:24 NCR 2211	*						
15A NCAC 13B .1624	11:19 NCR 1764		12:24 NCR 2211	L						
15A NCAC 13B .1627	11:08 NCR 442		11:13 NCR 1055	*						
15A NCAC 13B .1800	11:08 NCR 442									
15A NCAC 13B .1800	11:26 NCR 1976									
15A NCAC 18A	11:04 NCR 183									
15A NCAC 18A .0425		12:14 NCR 1352								
15A NCAC 18A .0432		12:14 NCR 1352								
15A NCAC 18A .1601		12:21 NCR 1882								
15A NCAC 18A .1611		12:21 NCR 1882								
15A NCAC 18A .1720	12:16 NCR 1482	12:18 NCR 1713								
		12:21 NCR 1882								
		12:24 NCR 2228								
15A NCAC 18A .1810		12:24 NCR 2228								
15A NCAC 18A .2308	12:03 NCR 168		12:07 NCR 519	*	Ext. Review Object	12/18/97 01/15/98				
15A NCAC 18A .2309	12:03 NCR 168		12:07 NCR 519	*	Ext. Review Object	12/18/97 01/15/98				
15A NCAC 18A .2508	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2513	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2515	12:08 NCR 614		13:01 NCR 31	*						

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15A NCAC 18A .2517	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2518	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2522	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2526	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2528	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2530	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2531	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2532	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2535	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2537	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2539	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2543	12:08 NCR 614		13:01 NCR 31	*						
15A NCAC 18A .2600	12:04 NCR 240		13:01 NCR 31	*						
15A NCAC 18A .2612		12:14 NCR 1352								
15A NCAC 18A .2801	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2802	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2803	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2804	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2805	12:16 NCR 1482									
15A NCAC 18A .2806	12:16 NCR 1482									
15A NCAC 18A .2807	12:16 NCR 1482									
15A NCAC 18A .2808	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2809	12:16 NCR 1482									
15A NCAC 18A .2810	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2811	12:16 NCR 1482									
15A NCAC 18A .2812	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2813	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2814	12:16 NCR 1482									

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15A NCAC 18A .2815	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2816	12:16 NCR 1482									
15A NCAC 18A .2817	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2818	12:16 NCR 1482									
15A NCAC 18A .2819	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2820	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2821	12:16 NCR 1482									
15A NCAC 18A .2822	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2823	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2824	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2825	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2826	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2827	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2828	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2829	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2830	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2831	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2832	12:16 NCR 1482		13:02 NCR 235	*						
15A NCAC 18A .2833	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2834	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2835	12:16 NCR 1482	12:19 NCR 1782	13:02 NCR 235	*						
15A NCAC 18A .2836	12:16 NCR 1482									
15A NCAC 18A .3101	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S						
15A NCAC 18A .3102	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S						
15A NCAC 18A .3103	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S						
15A NCAC 18A .3104	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S						
15A NCAC 18A .3105	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S						
15A NCAC 18A .3106	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S						

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15A NCAC 18A .3107	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S						
15A NCAC 18A .3108	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S						
15A NCAC 18A .3109	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S						
15A NCAC 18A .3110	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S						
15A NCAC 18A .3111	12:11 NCR 920	12:12 NCR 1064	12:20 NCR 1829	S						
15A NCAC 19A .0101	12:02 NCR 52	12:02 NCR 88								
15A NCAC 21H .0110	12:20 NCR 1822									
15A NCAC 21H .0111	12:20 NCR 1822									
15A NCAC 21H .0113	12:20 NCR 1822									
15A NCAC 26C .0001	11:19 NCR 1408									
15A NCAC 26C .0002	11:19 NCR 1408									
15A NCAC 26C .0003	11:19 NCR 1408									
15A NCAC 26C .0004	11:19 NCR 1408									
15A NCAC 26C .0005	11:19 NCR 1408									
15A NCAC 26C .0006	11:19 NCR 1408									
15A NCAC 26C .0007	11:19 NCR 1408									
Land Resources/Land Quality										
15A NCAC 04B .0006	12:20 NCAC 1817									
15A NCAC 04B .0007	12:20 NCAC 1817									
15A NCAC 04B .0027	12:20 NCAC 1817									
Marine Fisheries Commission										
15A NCAC 03	11:11 NCR 881									
15A NCAC 03	11:20 NCR 1537									
15A NCAC 03	11:26 NCR 1985									
15A NCAC 03H .0103	12:23 NCR 2089									
15A NCAC 03I	12:23 NCR 2089									
15A NCAC 03J .0107	12:23 NCR 2089									
15A NCAC 03J .0109	12:23 NCR 2089									

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15A NCAC 03J .0202	11-07 NCR 407		11-11 NCR 888	*						
15A NCAC 03J .0202	11-26 NCR 1976	12-12 NCR 1063	12-05 NCR 418	*	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 03L .0102	11-07 NCR 407		12-12 NCR 1002	*	Approve	04/15/98	*		13-01 NCR 43	
15A NCAC 03M .0503	12-19 NCR 1762	12-23 NCR 2094	11-11 NCR 888	*						
15A NCAC 03M .0507	12-23 NCR 2089									
15A NCAC 03M .0507		12-23 NCR 2094								
15A NCAC 03M .0513	11-26 NCR 1976		12-05 NCR 418	*						
15A NCAC 03M .0513	11-26 NCR 1985		12-12 NCR 1002	*	Approve	04/15/98			13-01 NCR 43	
15A NCAC 03O .0303		12-23 NCR 2094								
15A NCAC 03O .0306		12-19 NCR 1780								
15A NCAC 03P	12-23 NCR 2089	12-23 NCR 2094								
Parks and Recreation Commission										
15A NCAC 12A .0001	12-13 NCR 1097									
15A NCAC 12A .0004	12-13 NCR 1097									
15A NCAC 12A .0005	12-13 NCR 1097									
15A NCAC 12B .0101	12-13 NCR 1097									
15A NCAC 12B .0104	12-13 NCR 1097									
15A NCAC 12B .0106	12-13 NCR 1097									
15A NCAC 12B .0203	12-13 NCR 1097									
15A NCAC 12B .0401	12-13 NCR 1097									
15A NCAC 12B .0402	12-13 NCR 1097									
15A NCAC 12B .0501	12-13 NCR 1097									
15A NCAC 12B .0602	12-13 NCR 1097									
15A NCAC 12B .0701	12-13 NCR 1097									
15A NCAC 12B .0702	12-13 NCR 1097									
15A NCAC 12B .0802	12-13 NCR 1097									
15A NCAC 12B .0901	12-13 NCR 1097									
15A NCAC 12B .1001	12-13 NCR 1097									

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15A NCAC 12B .1001	12.13 NCR 1097									
15A NCAC 12B .1102	12.13 NCR 1097									
15A NCAC 12B .1201	12.13 NCR 1097									
Radiation Protection										
15A NCAC 11 .0100	12.22 NCR 1979									
15A NCAC 11 .0300	12.22 NCR 1979									
15A NCAC 11 .0500	12.22 NCR 1979									
15A NCAC 11 .0700	12.22 NCR 1979									
15A NCAC 11 .1000	12.22 NCR 1979									
15A NCAC 11 .1100	12.04 NCR 240									
15A NCAC 11 .1400	12.04 NCR 240									
15A NCAC 11 .1600	12.22 NCR 1979									
Soil & Water Conservation										
15A NCAC 06E .0105	12.20 NCR 1817		13.01 NCR 25	*						
Water Pollution Control System Operators Certification Commission										
15A NCAC 08A .0101	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08A .0202	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08A .0301	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08A .0302	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08A .0303	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08B .0101	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08B .0102	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08B .0103	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08B .0104	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08B .0105	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08B .0106	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08B .0108	11.26 NCR 1976		13.02 NCR 204	*						
15A NCAC 08B .0109	11.26 NCR 1976		13.02 NCR 204	*						

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15A NCAC 08B .0201	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0202	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0203	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0204	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0205	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0207	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0208	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0209	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0210	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0211	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0212	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0213	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0214	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0301	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0302	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0303	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0304	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0402	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0404	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0405	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0406	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0502	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08B .0506	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08C .0002	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08C .0004	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08C .0005	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08C .0006	11:26 NCR 1976		13:02 NCR 204	*							
15A NCAC 08C .0007	11:26 NCR 1976		13:02 NCR 204	*							

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15A NCAC .08C .0008	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08D .0002	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08D .0004	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08D .0005	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08D .0006	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08E	11:26 NCR 1976									
15A NCAC .08F	11:26 NCR 1976									
15A NCAC .08G .0101	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08G .0102	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08G .0201	11:26 NCR 1976		13.02 NCR 204	S/L						
15A NCAC .08G .0202	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08G .0203	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08G .0204	11:26 NCR 1976		13.02 NCR 204	S/L						
15A NCAC .08G .0205	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08G .0301	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08G .0302	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08G .0303	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08G .0304	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08G .0305	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08G .0306	11:26 NCR 1976		13.02 NCR 204	S/L						
15A NCAC .08G .0307	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08G .0308	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08G .0401	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08G .0402	11:26 NCR 1976		13.02 NCR 204	S/L						
15A NCAC .08G .0403	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08G .0404	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08G .0405	11:26 NCR 1976		13.02 NCR 204	*						
15A NCAC .08G .0406	11:26 NCR 1976		13.02 NCR 204	*						

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15A NCAC 08G .0407	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0408	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0409	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0501	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0502	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0503	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0504	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0505	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0601	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0602	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0603	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0604	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0701	11:26 NCR 1976		13:02 NCR 204	S/L						
15A NCAC 08G .0801	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0802	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0803	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0804	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0901	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .0902	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .1001	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .1002	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .1101	11:26 NCR 1976		13:02 NCR 204	*						
15A NCAC 08G .1102	11:26 NCR 1976		13:02 NCR 204	*						
Wildlife Resources Commission										
15A NCAC 10B .0113	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10B .0200	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10B .0202	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	

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15A NCAC 10B .0207	12:06 NCR 445		12:24 NCR 2205	*						
15A NCAC 10B .0209	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10B .0216	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10C .0203	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10C .0205	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10C .0212	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10C .0300	13:01 NCR 3									
15A NCAC 10C .0304	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10C .0305	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10C .0400	13:01 NCR 3									
15A NCAC 10C .0401	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10C .0402	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10C .0404	12:06 NCR 445		12:12 NCR 1004	*						
15A NCAC 10C .0407	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10D	12:18 NCR 1694									
15A NCAC 10D .0002	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10D .0003	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10D .0003	12:18 NCR 1694		12:24 NCR 2205	*						
15A NCAC 10D .0004	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10F .0102	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10F .0103	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10F .0104	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10F .0105	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10F .0109	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10F .0301	12:19 NCR 1763	12:24 NCR 2224	12:24 NCR 2224	*						
15A NCAC 10F .0303	12:19 NCR 1763									
15A NCAC 10F .0303	N/A		N/A		Approve	05/21/98				
15A NCAC 10F .0305	12:10 NCR 865	12:16 NCR 1518	12:16 NCR 1518	*					13:02 NCR 249	

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15A NCAC 10F .0310	12:19 NCR 1763	12:24 NCR 2224	12:24 NCR 2224	L						
15A NCAC 10F .0311	12:11 NCR 920	12:24 NCR 2224	12:17 NCR 1608	L						
15A NCAC 10F .0314	12:19 NCR 1763									
15A NCAC 10F .0317	12:11 NCR 920	12:24 NCR 2224	12:17 NCR 1608	L						
15A NCAC 10F .0318	12:06 NCR 445									
15A NCAC 10F .0327	12:11 NCR 920	12:24 NCR 2224	12:17 NCR 1608	L						
15A NCAC 10F .0345	12:06 NCR 445	12:19 NCR 1781	12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10F .0347	12:06 NCR 445	12:19 NCR 1781	12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10F .0359	12:19 NCR 1763									
15A NCAC 10G .0402	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10G .0403	12:06 NCR 445		12:12 NCR 1004	*	Approve	04/15/98			13:01 NCR 43	
15A NCAC 10G .0404	12:06 NCR 445		12:12 NCR 1004	*	Extend Review Object 06/18/98	04/15/98 06/18/98				
15A NCAC 10H .0802	12:06 NCR 445		12:13 NCR 1127	*	Approve	04/15/98	*		13:01 NCR 43	
15A NCAC 10H .0810	12:06 NCR 445		12:13 NCR 1137	*	Approve	04/15/98	*		13:01 NCR 43	
FINAL DECISION LETTERS										
Voting Rights Act										
GENERAL CONTRACTORS LICENSING BOARD										
21 NCAC 12 .0204	11:28 NCR 2117		12:04 NCR 292	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 12 .0503	11:28 NCR 2117									
21 NCAC 12 .0504	11:28 NCR 2117									
21 NCAC 12 .0902	11:28 NCR 2117									
21 NCAC 12 .0905	11:28 NCR 2117									
21 NCAC 12 .0906	11:28 NCR 2117									
21 NCAC 12 .0907	11:28 NCR 2117									
21 NCAC 12 .0908	11:28 NCR 2117									
21 NCAC 12 .0909	11:28 NCR 2117									
21 NCAC 12 .0910	11:28 NCR 2117									

13:02 NCR 173

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					Action	Date				
21 NCAC 12 .0911	11-28 NCR 2117									
21 NCAC 12 .0912	11-28 NCR 2117									
GOVERNOR'S EXECUTIVE ORDERS										
Number 136 - EIT: 06/05/98										
HEALTH AND HUMAN SERVICES										
Aging										
10 NCAC 22	10-23 NCR 2956									13:01 NCR 1
Child Day Care Commission										
10 NCAC 03U .0102	12-21 NCR 1873									
10 NCAC 03U .0300	12-21 NCR 1873									
10 NCAC 03U .0302	12-08 NCR 617		12-13 NCR 1098	*	Object Approve	03/20/98 04/15/98			13:01 NCR 43	
10 NCAC 03U .0602	11-24 NCR 1817	12-08 NCR 710								
10 NCAC 03U .0604	11-24 NCR 1817	12-08 NCR 710								
10 NCAC 03U .0605	11-24 NCR 1817	12-08 NCR 710								
10 NCAC 03U .0605	12-08 NCR 710		12-13 NCR 1098	S/L	Approve	03/20/98	*		12-23 NCR 2100	Pending Leg. Action
10 NCAC 03U .0703	12-08 NCR 617		12-13 NCR 1098	*	Approve	03/20/98	*		12-23 NCR 2100	Pending Leg. Action
10 NCAC 03U .0704	12-08 NCR 617		12-13 NCR 1098	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	Pending Leg. Action
10 NCAC 03U .0705	11-14 NCR 1108		11-27 NCR 2054	*						
10 NCAC 03U .0705	11-24 NCR 1817	12-08 NCR 710								
10 NCAC 03U .0707	12-08 NCR 617		12-13 NCR 1098	*	Approve	03/20/98	*		12-23 NCR 2100	Pending Leg. Action
10 NCAC 03U .0708	12-08 NCR 617		12-13 NCR 1098	*	Approve	03/20/98	*		12-23 NCR 2100	Pending Leg. Action
10 NCAC 03U .0710	12-08 NCR 617		12-13 NCR 1098	*	Approve	04/15/98	*		13:01 NCR 43	Pending Leg. Action
10 NCAC 03U .0806	12-08 NCR 617		12-13 NCR 1098	*	Approve	04/15/98	*		13:01 NCR 43	Pending Leg. Action
10 NCAC 03U .0901	11-08 NCR 449		11-17 NCR 1338	*	Object	03/20/98				
10 NCAC 03U .1600	12-21 NCR 1873									
10 NCAC 03U .1700	12-21 NCR 1873									
10 NCAC 03U .1720	12-08 NCR 617		12-13 NCR 1098	*	Object Approve	03/20/98 04/15/98	*		13:01 NCR 43	

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					Action	Date				
10 NCAC 03U .2000	12:21 NCR 1873									
10 NCAC 03U .2500	12:21 NCR 1873									
Facility Services										
Public Notice - Draft 1999 State Medical Facilities Plan										
10 NCAC 03R .0214	12:08 NCR 617									13:02 NCR 171
10 NCAC 03R .3000	11:23 NCR 1780									
10 NCAC 03R .3001	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3030	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3040	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3050	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3051	12:15 NCR 1431		13:02 NCR 178	*						
10 NCAC 03R .3053	11:22 NCR 1713									
10 NCAC 03R .3053	12:06 NCR 481									
10 NCAC 03R .3060	12:06 NCR 481									
10 NCAC 03R .3061	12:06 NCR 481									
10 NCAC 03R .3063	12:06 NCR 481									
10 NCAC 03R .3065	12:06 NCR 481									
10 NCAC 03R .3072	12:06 NCR 481									
10 NCAC 03R .6001	11:22 NCR 1704									
10 NCAC 03R .6101	12:15 NCR 1431		13:02 NCR 178	*						
10 NCAC 03R .6102	12:15 NCR 1431		13:02 NCR 178	*						
10 NCAC 03R .6103	12:15 NCR 1431		13:02 NCR 178	*						
10 NCAC 03R .6104	12:15 NCR 1431		13:02 NCR 178	*						
10 NCAC 03R .6105	12:15 NCR 1431		13:02 NCR 178	*						
10 NCAC 03R .6106	12:15 NCR 1431		13:02 NCR 178	*						
10 NCAC 03R .6107	12:15 NCR 1431		13:02 NCR 178	S/L/SE						
10 NCAC 03R .6108	12:15 NCR 1431		13:02 NCR 178	*						

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					Action	Date				
10 NCAC .03R .6109		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6110		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6111		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6112		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC .03R .6113		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6114		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6115		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6116		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6117		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6118		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6119		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6120		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC .03R .6121		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC .03R .6122		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC .03R .6123		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC .03R .6124		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC .03R .6125		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6126		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6127		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6128		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6129		12:15 NCR 1431	13:02 NCR 178	S/L/SE						
10 NCAC .03R .6130		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6131		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6132		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6133		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6134		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6135		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC .03R .6136		12:15 NCR 1431	13:02 NCR 178	*						

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					Action	Date				
10 NCAC 03R .6137		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6138		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6139		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6140		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03R .6141		12:15 NCR 1431	13:02 NCR 178	*						
10 NCAC 03S	12:24 NCR 2194									
Health Services										
15A NCAC 16A .0101	12:22 NCR 1979		13:02 NCR 234	*						
15A NCAC 16A .0106	12:22 NCR 1979		13:02 NCR 234	*						
15A NCAC 16A .0108	12:22 NCR 1979		13:02 NCR 234	*						
15A NCAC 24A .0101	12:22 NCR 1979		13:02 NCR 244	*						
15A NCAC 24A .0102	12:22 NCR 1979		13:02 NCR 244	*						
15A NCAC 24A .0302	12:22 NCR 1979		13:02 NCR 244	*						
15A NCAC 24A .0402	12:22 NCR 1979		13:02 NCR 244	*						
15A NCAC 24A .0403	12:22 NCR 1979		13:02 NCR 244	*						
15A NCAC 24A .0404	12:22 NCR 1979		13:02 NCR 244	*						
Medical Assistance										
10 NCAC 26B .0103	12:18 NCR 1694		13:01 NCR 5	*						
10 NCAC 26D .0110	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26H .0101	11:14 NCR 1108									
10 NCAC 26H .0102	11:14 NCR 1108									
10 NCAC 26H .0102	12:09 NCR 743	12:14 NCR 1341	12:18 NCR 1696	S/L/SE						
10 NCAC 26H .0211	12:09 NCR 743	12:14 NCR 1341	12:18 NCR 1696	S/L/SE						
10 NCAC 26H .0212		12:09 NCR 827								
10 NCAC 26H .0213		11:26 NCR 1997								
10 NCAC 26H .0213		12:09 NCR 827								
10 NCAC 26H .0401	12:08 NCR 618	12:14 NCR 1341	12:21 NCR 1875	S/L						
10 NCAC 26H .0401		13:02 NCR 248								

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10 NCAC 2611 .0602		12:04 NCR 313	12:15 NCR 1419	S/L	Approve	04/15/98	*		13:01 NCR 43	
10 NCAC 261 .0101	13:02 NCR 175									
10 NCAC 26K .0106	12:05 NCR 337									
10 NCAC 26K .0106	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 26M .0201	12:06 NCR 444		13:01 NCR 5	*						
10 NCAC 26M .0202	12:06 NCR 444		13:01 NCR 5	*						
10 NCAC 26M .0203	12:05 NCR 337									
10 NCAC 26M .0203	12:06 NCR 444		13:01 NCR 5	*						
10 NCAC 26M .0204	12:06 NCR 444		13:01 NCR 5	*						
10 NCAC 26M .0305	13:02 NCR 175									
10 NCAC 50A .0604	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B .0202	12:06 NCR 444		12:21 NCR 1875	*						
10 NCAC 50B .0302	13:02 NCR 175									
10 NCAC 50B .0313	13:02 NCR 175									
Medical Care Commission										
10 NCAC 03D .1500	11:23 NCR 1779									
Mental Health, Developmental Disabilities and Substance Abuse Services										
10 NCAC 14G .0102		12:12 NCR 1060	12:19 NCR 1766	*	Object	06/18/98				
10 NCAC 14V .0800	12:20 NCR 1820									
10 NCAC 14V .3800	12:20 NCR 1820									
10 NCAC 14V .4000	12:20 NCR 1820									
10 NCAC 14V .4301	12:19 NCR 1762									
10 NCAC 14V .4302	12:19 NCR 1762									
10 NCAC 14V .4303	12:19 NCR 1762									
10 NCAC 14V .4304	12:19 NCR 1762									
10 NCAC 14V .4305	12:19 NCR 1762									
10 NCAC 14V .4306	12:19 NCR 1762									
10 NCAC 14V .5000	12:20 NCR 1820									

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10 NCAC 45H .0205	11:19 NCR 1762	12:24 NCR 2223		*						
Secretary of Health and Human Services										
10 NCAC 14C .1151	12:20 NCR 1820		13:02 NCR 198	*						
10 NCAC 14V .7006		12:01 NCR 31	12:07 NCR 511	*						
10 NCAC 21B .0117		12:17 NCR 1616	12:21 NCR 1875	S						
10 NCAC 49B .0315		12:18 NCR 1703	13:02 NCR 203	*						
Social Services Commission										
10 NCAC 24A .0508	12:12 NCR 993	12:13 NCR 1180	12:23 NCR 2090	*						
10 NCAC 30 .0207	12:11 NCR 919	12:14 NCR 1347	12:15 NCR 1420	*	Approve	05/21/98			13:02 NCR 249	
10 NCAC 41A .0107		12:11 NCR 938	12:15 NCR 1420	*	Object	05/21/98				
10 NCAC 41E	12:11 NCR 919									
10 NCAC 41F .0707		12:11 NCR 938	12:15 NCR 1420	S	Approve	05/21/98			13:02 NCR 249	
10 NCAC 41F .0813		12:11 NCR 938	12:15 NCR 1420	S	Approve	05/21/98			13:02 NCR 249	
10 NCAC 41G	12:11 NCR 919									
10 NCAC 41I .0100	10:17 NCR 2228									
10 NCAC 41I .0102	10:17 NCR 2228			*						
10 NCAC 42C .2301	12:22 NCR 1979		10:21 NCR 2687							
10 NCAC 42C .3401		12:13 NCR 1180	13:02 NCR 200	*						
10 NCAC 42C .3403		12:13 NCR 1180	13:02 NCR 200	*						
10 NCAC 42C .3404		12:13 NCR 1180	13:02 NCR 200	*						
10 NCAC 42C .3601		12:13 NCR 1180	13:02 NCR 200	*						
10 NCAC 42R .0201	12:11 NCR 919	12:13 NCR 1180	12:23 NCR 2090	S/L						
10 NCAC 47A .0502		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98			13:02 NCR 249	
10 NCAC 47B .0102		12:11 NCR 938	12:15 NCR 1420	*	Object	05/21/98				
				*	Approve	06/18/98	*			
10 NCAC 47B .0303		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98			13:02 NCR 249	
10 NCAC 47B .0304		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98			13:02 NCR 249	
10 NCAC 47B .0305		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98	*		13:02 NCR 249	
10 NCAC 47B .0403		12:11 NCR 938	12:15 NCR 1420	*	Approve	05/21/98	*		13:02 NCR 249	

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					Action	Date				
10 NCAC 49B .0608	12.20 NCR 1822									
Vocational Rehabilitation Services										
10 NCAC 20C .0100	12.24 NCR 2202									
10 NCAC 20C .0203	12.24 NCR 2202									
10 NCAC 20C .0206	12.24 NCR 2202									
INSURANCE										
11 NCAC 06	12.09 NCR 744									
11 NCAC 12	12.09 NCR 744									
11 NCAC 12 .0800	13.01 NCR 2									
11 NCAC 12 .1000	13.01 NCR 2									
11 NCAC 12 .1801										
11 NCAC 12 .1802				*	Approve	04/15/98			13:01 NCR 43	
11 NCAC 12 .1803				*	Approve	04/15/98			13:01 NCR 43	
11 NCAC 12 .1804				*	Approve	04/15/98	*		13:01 NCR 43	
11 NCAC 13	12.09 NCR 744			*	Approve	04/15/98	*		13:01 NCR 43	
11 NCAC 14	12.09 NCR 744									
11 NCAC 15	12.09 NCR 744									
11 NCAC 16	12.09 NCR 744									
11 NCAC 17	12.09 NCR 744									
11 NCAC 20	12.09 NCR 744									
11 NCAC 21	12.09 NCR 744									
North Carolina Manufactured Housing Board										
11 NCAC 8 .0900	13.01 NCR 2									
JUSTICE										
Alarm Systems Licensing Board										
12 NCAC 11	11.30 NCR 2300									
12 NCAC 11 .0204	12.12 NCR 993			*						
12 NCAC 11 .0210	12.08 NCR 618			*						

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12 NCAC 11 .0501	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0502	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0503	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0504	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0505	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0506	11:30 NCR 2300		12:20 NCR 1823	*						
12 NCAC 11 .0507	11:30 NCR 2300		12:20 NCR 1823	*						
Criminal Justice Education and Training Standards Commission										
12 NCAC 09A .0103	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0101	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0210	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0211	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0212	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0213	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0214	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0215	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0218	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0219	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0220	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0221	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0222	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0301	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0309	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0310	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0311	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0404	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0408	12:21 NCR 1873		13:01 NCR 6	*						
12 NCAC 09B .0409	12:21 NCR 1873		13:01 NCR 6	*						

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12 NCAC 09B .0414	12-21 NCR 1873		13-01 NCR 6	*						
12 NCAC 09B .0416	12-21 NCR 1873		13-01 NCR 6	*						
12 NCAC 09C .0308	12-21 NCR 1873		13-01 NCR 6	*						
Private Protective Services Board										
12 NCAC 07D .0204	11-14 NCR 1108		12-08 NCR 622	*	Object	03/20/98	*			
12 NCAC 07D .1106	11-14 NCR 1108		12-08 NCR 622	*	Approve	06/18/98				
12 NCAC 07D .1201	11-10 NCR 818		12-14 NCR 1263	*	Object	03/20/98	*			
12 NCAC 07D .1202	11-10 NCR 818		12-14 NCR 1263	*	Approve	06/18/98				
12 NCAC 07D .1301	11-16 NCR 1268		12-14 NCR 1263	*	Object	03/20/98	*			
12 NCAC 07D .1302	11-16 NCR 1268		12-14 NCR 1263	*	Approve	06/18/98				
12 NCAC 07D .1303	11-16 NCR 1268		12-14 NCR 1263	*						
12 NCAC 07D .1304	11-16 NCR 1268		12-14 NCR 1263	*						
12 NCAC 07D .1305	11-16 NCR 1268		12-14 NCR 1263	*						
12 NCAC 07D .1306	11-16 NCR 1268		12-14 NCR 1263	*						
12 NCAC 07D .1307	11-16 NCR 1268		12-14 NCR 1263	*						
Sheriffs' Education and Training Standards Commission										
12 NCAC 10B .0206	12-07 NCR 508	12-18 NCR 1703	12-18 NCR 1703	*	Approve	06/18/98				
12 NCAC 10B .1103	12-07 NCR 508	12-18 NCR 1703	12-08 NCR 624							
12 NCAC 10B .1104	12-07 NCR 508	12-18 NCR 1703	12-08 NCR 624							
LABOR										
Occupational Safety and Health										
13 NCAC 07A .0900	11-11 NCR 881									
13 NCAC 07F	11-03 NCR 106									
13 NCAC 07F	13-02 NCR 176									
13 NCAC 07F .0201	11-03 NCR 106									
13 NCAC 07F .0301	11-03 NCR 106									
LANDSCAPE ARCHITECTS, BOARD OF										
21 NCAC 26 .0104		12-08 NCR 730								

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21 NCAC 26 .0105		12:08 NCR 730								
21 NCAC 26 .0302		12:08 NCR 730								
21 NCAC 26 .0506		12:08 NCR 730								
21 NCAC 26 .0507		12:08 NCR 730								
21 NCAC 26 .0508		12:08 NCR 730								
21 NCAC 26 .0509		12:08 NCR 730								
MEDICAL BOARD										
21 NCAC 32B	11:18 NCR 1369									
21 NCAC 32B	12:04 NCR 245									
21 NCAC 32F .0103		11:18 NCR 1386	12:04 NCR 294	*						
21 NCAC 32F .0103		Temp Expired								
21 NCAC 32H .0402		12:14 NCR 1354	12:21 NCR 1881	*						
21 NCAC 32M	12:19 NCR 1765	12:04 NCR 314								
21 NCAC 32O	11:18 NCR 1369									
MORTUARY SCIENCE, BOARD OF										
21 NCAC 34A .0201		12:07 NCR 556								
21 NCAC 34C	12:09 NCR 745									
MUNICIPAL INCORPORATIONS PETITION										
NURSING, BOARD OF										
21 NCAC 36 .0227	12:05 NCR 338									
OPTICIANS, BOARD OF										
21 NCAC 40 .0108		12:07 NCR 557								
OPTOMETRY, BOARD OF										
21 NCAC 42	12:06 NCR 453									
21 NCAC 42E .0102		12:06 NCR 487	12:12 NCR 1058	*	Approve	04/15/98			13:01 NCR 43	
PHARMACY, BOARD OF										
21 NCAC 46 .1317	13:01 NCR 3									
21 NCAC 46 .1414	N/A	N/A	N/A		Approve	04/15/98			13:01 NCR 43	

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					Action	Date				
21 NCAC 46 .1414	12-24 NCR 2203									
21 NCAC 46 .1606	13-01 NCR 3									
21 NCAC 46 .1601	12-03 NCR 168		12-07 NCR 527 12-09 NCR 797	*	Approve	03/20/98			12-23 NCR 2100	Pending Leg. Action
21 NCAC 46 .1601	12-24 NCR 2203			*						
21 NCAC 46 .1608	12-24 NCR 2203			*						
21 NCAC 46 .1609	12-24 NCR 2203			*						
21 NCAC 46 .1703	12-24 NCR 2203			*						
21 NCAC 46 .1804	12-03 NCR 168		12-07 NCR 527 12-09 NCR 797 13-02 NCR 246	*	State Budget	03/20/98				
21 NCAC 46 .1809	12-24 NCR 2203			*						
21 NCAC 46 .1813	N/A	N/A	N/A	SE						
21 NCAC 46 .2103	12-03 NCR 168			*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 46 .2301	12-03 NCR 168		12-07 NCR 527 12-09 NCR 797 12-07 NCR 527 12-09 NCR 797	*						
21 NCAC 46 .2304	12-24 NCR 2203			*						
21 NCAC 46 .2604	12-24 NCR 2203			*						
21 NCAC 46 .2609	12-24 NCR 2203			*						
21 NCAC 46 .2611	N/A	N/A	N/A	*	Approve	04/15/98			13-01 NCR 43	
21 NCAC 46 .2611	12-24 NCR 2203			*						
PHYSICAL THERAPY EXAMINERS										
21 NCAC 48A .0103	12-08 NCR 619		12-13 NCR 1150	*	Object	03/20/98	*		13-01 NCR 43	
21 NCAC 48A .0105	12-08 NCR 619		12-13 NCR 1150	*	Approve	03/20/98	*		13-01 NCR 43	
21 NCAC 48C .0401	12-08 NCR 619		12-13 NCR 1150	*	Approve	04/15/98	*		13-01 NCR 43	
21 NCAC 48D .0102	12-08 NCR 619		12-13 NCR 1150	*	Object	03/20/98	*		13-01 NCR 43	
21 NCAC 48D .0105	12-08 NCR 619		12-13 NCR 1150	*	Approve	04/15/98	*		13-01 NCR 43	
21 NCAC 48D .0112	12-08 NCR 619		12-13 NCR 1150	*	Object	03/20/98	*		13-01 NCR 43	

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21 NCAC 48F .0102	12-08 NCR 619		12:13 NCR 1150	*	Approve	04/15/98	*		13:01 NCR 43	
					Object	03/20/98				
21 NCAC 48G .0203	12-08 NCR 619		12:13 NCR 1150	*	Approve	04/15/98	*		13:01 NCR 43	
					Object	03/20/98				
21 NCAC 48G .0404	12-08 NCR 619		12:13 NCR 1150	*	Approve	04/15/98	*		13:01 NCR 43	
					Object	03/20/98				
21 NCAC 48G .0601	12-08 NCR 619		12:13 NCR 1150	*	Approve	04/15/98	*		13:01 NCR 43	
					Object	03/20/98				
					Approve	04/15/98	*		13:01 NCR 43	

PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, EXAMINERS OF

21 NCAC 50 .0106	12-07 NCR 509									
21 NCAC 50 .0202	12-07 NCR 509									
21 NCAC 50 .0301	12-07 NCR 509	12:07 NCR 557	12:16 NCR 1490	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 50 .0306	12-07 NCR 509	12:07 NCR 557	12:16 NCR 1490	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 50 .0404	12-07 NCR 509	12:07 NCR 557	12:16 NCR 1490	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 50 .0405	12-07 NCR 509		12:16 NCR 1490	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 50 .0506	12-07 NCR 509	12:07 NCR 557								
21 NCAC 50 .0510	12-07 NCR 509		12:16 NCR 1490	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 50 .0511	12-07 NCR 509	12:07 NCR 557	12:16 NCR 1490	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 50 .1102	12-07 NCR 509	12:07 NCR 557	12:16 NCR 1490	S	Approve	04/15/98			13:01 NCR 43	
21 NCAC 50 .1104	12-07 NCR 509		12:16 NCR 1490	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 50 .1201	12-07 NCR 509									
21 NCAC 50 .1205	12-07 NCR 509									
21 NCAC 50 .1206	12-07 NCR 509									
21 NCAC 50 .1210	12-07 NCR 509									
21 NCAC 50 .1212	12-07 NCR 509									
21 NCAC 50 .1302	12-07 NCR 509									

PROFESSIONAL ENGINEERS AND LAND SURVEYORS

21 NCAC 56 .0103	12-08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .0104	12-08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	

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21 NCAC 56 .0401	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .0403	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .0404	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98			13.01 NCR 43	
21 NCAC 56 .0405	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98			13.01 NCR 43	
21 NCAC 56 .0501	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .0502	12.08 NCR 619		12.16 NCR 1492	S	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .0503	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .0505	12.08 NCR 619		12.16 NCR 1492	S	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .0601	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .0602	12.08 NCR 619		12.16 NCR 1492	S	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .0603	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .0606	12.08 NCR 619		12.16 NCR 1492	S	Approve	04/15/98			13.01 NCR 43	
21 NCAC 56 .0701	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .0702	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98			13.01 NCR 43	
21 NCAC 56 .0901	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .0902	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98			13.01 NCR 43	
21 NCAC 56 .1102	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .1103	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .1104	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .1105	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98			13.01 NCR 43	
21 NCAC 56 .1106	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .1201	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .1203	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98			13.01 NCR 43	
21 NCAC 56 .1205	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .1301	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .1302	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98	*		13.01 NCR 43	
21 NCAC 56 .1403	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98			13.01 NCR 43	
21 NCAC 56 .1409	12.08 NCR 619		12.16 NCR 1492	*	Approve	04/15/98	*		13.01 NCR 43	

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21 NCAC 56 .1411	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1602	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1603	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1604	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .1703	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 56 .1704	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .1705	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	
21 NCAC 56 .1711	12:08 NCR 619		12:16 NCR 1492	*	Approve	04/15/98			13:01 NCR 43	

PSYCHOLOGY BOARD

21 NCAC 54 .1611	12:05 NCR 338
21 NCAC 54 .1612	12:05 NCR 338
21 NCAC 54 .1613	12:05 NCR 338
21 NCAC 54 .2006	12:05 NCR 338
21 NCAC 54 .2010	12:05 NCR 338
21 NCAC 54 .2104	12:05 NCR 338
21 NCAC 54 .2301	12:05 NCR 338
21 NCAC 54 .2302	12:05 NCR 338
21 NCAC 54 .2303	12:05 NCR 338
21 NCAC 54 .2304	12:05 NCR 338
21 NCAC 54 .2305	12:05 NCR 338
21 NCAC 54 .2306	12:05 NCR 338
21 NCAC 54 .2307	12:05 NCR 338
21 NCAC 54 .2308	12:05 NCR 338
21 NCAC 54 .2309	12:05 NCR 338
21 NCAC 54 .2310	12:05 NCR 338
21 NCAC 54 .2311	12:05 NCR 338
21 NCAC 54 .2312	12:05 NCR 338
21 NCAC 54 .2313	12:05 NCR 338

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21 NCAC 54 .2314	12-05 NCR 338									
21 NCAC 54 .2401	12-05 NCR 338									
21 NCAC 54 .2402	12-05 NCR 338									
21 NCAC 54 .2501	12-05 NCR 338									
21 NCAC 54 .2502	12-05 NCR 338									
21 NCAC 54 .2503	12-05 NCR 338									
21 NCAC 54 .2504	12-05 NCR 338									
21 NCAC 54 .2505	12-05 NCR 338									
21 NCAC 54 .2601	12-05 NCR 338									
21 NCAC 54 .2602	12-05 NCR 338									
21 NCAC 54 .2704	12-05 NCR 338									
21 NCAC 54 .2705	12-05 NCR 338									
21 NCAC 54 .2706	12-05 NCR 338									
PUBLIC EDUCATION										
16 NCAC 06C .0310		12-03 NCR 210	12-01 NCR 18	*						Temp Filed over obj
16 NCAC 06C .0502		12-09 NCR 834	12-19 NCR 1773	N/A						
16 NCAC 06C .0602			12-12 NCR 1050	*	Object Approve	03/20/98 04/15/98	*		13-01 NCR 43	
16 NCAC 06D .0103		12-22 NCR 2010								
16 NCAC 06E .0105		12-05 NCR 433	12-19 NCR 1773	N/A						
16 NCAC 06G .0305			12-19 NCR 1773	N/A						
16 NCAC 06G .0310			12-19 NCR 1773	N/A						
16 NCAC 06G .0311		12-22 NCR 2010								
16 NCAC 06G .0501		12-12 NCR 1071	12-19 NCR 1773	N/A						
Public School Administration, Standards Board for										
16 NCAC 07 .0202		12-07 NCR 533	12-12 NCR 1052	*	Approve	04/15/98	*		13-01 NCR 43	
REVENUE										
17 NCAC 05B 1402	N/A	N/A	N/A		Approve	04/15/98			13-01 NCR 43	

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13:01 NCR 43

04/15/98

Approve

N/A

N/A

N/A

17 NCAC 05B .1703

12:14 NCR 1285

*

04/15/98

Approve

12:14 NCR 1285

*

04/15/98

Approve

12:17 NCR 1610

*

06/18/98

Approve

12:17 NCR 1610

*

06/18/98

Approve

SECRETARY OF STATE

13:01 NCR 43

03/20/98

Object

12:14 NCR 1312

*

04/15/98

Approve

12:14 NCR 1312

*

03/20/98

Object

12:14 NCR 1312

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04/15/98

Approve

12:14 NCR 1312

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03/20/98

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12:14 NCR 1312

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04/15/98

Approve

12:14 NCR 1312

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03/20/98

Object

12:14 NCR 1312

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SUBSTANCE ABUSE PROFESSIONAL CERTIFICATION BOARD

21 NCAC 68	12:09 NCR 745									
21 NCAC 68 .0101		12:11 NCR 944	12:15 NCR 1426	S/L	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 68 .0102	N/A	N/A	N/A		Approve	04/15/98			13:01 NCR 43	
21 NCAC 68 .0301		12:11 NCR 944	12:15 NCR 1426	S/L	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 68 .0302		12:11 NCR 944	12:15 NCR 1426	S/L	Approve	04/15/98			13:01 NCR 43	
21 NCAC 68 .0303		12:11 NCR 944	12:15 NCR 1426	S/L	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 68 .0304		12:11 NCR 944	12:15 NCR 1426	S/L	Approve	04/15/98			13:01 NCR 43	
21 NCAC 68 .0305		12:11 NCR 944	12:15 NCR 1426	S/L	Object	04/15/98			13:02 NCR 249	
21 NCAC 68 .0306		12:11 NCR 944	12:15 NCR 1426	S/L	Approve	05/21/98	*		13:01 NCR 43	
21 NCAC 68 .0307		12:11 NCR 944	12:15 NCR 1426	S/L	Approve	04/15/98			13:01 NCR 43	
21 NCAC 68 .0602	12:09 NCR 745		12:15 NCR 1426	S/L	Approve	04/15/98			13:01 NCR 43	
21 NCAC 68 .0603	12:09 NCR 745		12:15 NCR 1426	S/L	Approve	04/15/98	*		13:01 NCR 43	
21 NCAC 68 .0608	12:09 NCR 745		12:15 NCR 1426	S/L	Approve	04/15/98			13:01 NCR 43	

TRANSPORTATION

Highways, Division of

19A NCAC 02D .0406	12:22 NCR 1980									
19A NCAC 02D .0415	12:18 NCR 1694		12:24 NCR 2219	*						
19A NCAC 02D .0816	12:19 NCR 1764		13:01 NCR 41	*						

Motor Vehicles, Division of

19A NCAC 03I .0100	11:19 NCR 1413									
19A NCAC 03I .0200	11:19 NCR 1413									
19A NCAC 03I .0202	12:18 NCR 1695		12:24 NCR 2220	*						
19A NCAC 03I .0203	12:18 NCR 1695		12:24 NCR 2220	*						
19A NCAC 03I .0300	11:19 NCR 1413									
19A NCAC 03I .0400	11:19 NCR 1413									
19A NCAC 03I .0500	11:19 NCR 1413									
19A NCAC 03I .0501	12:18 NCR 1695		12:24 NCR 2220	*						

CUMULATIVE INDEX (Updated through July 9, 1998)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				

19A NCAC 031 .0502 12:18 NCR 1695
 19A NCAC 031 .0503 12:18 NCR 1695
 19A NCAC 031 .0600 11:19 NCR 1413
 19A NCAC 031 .0700 11:19 NCR 1413
 19A NCAC 031 .0800 11:19 NCR 1413

Rail Division

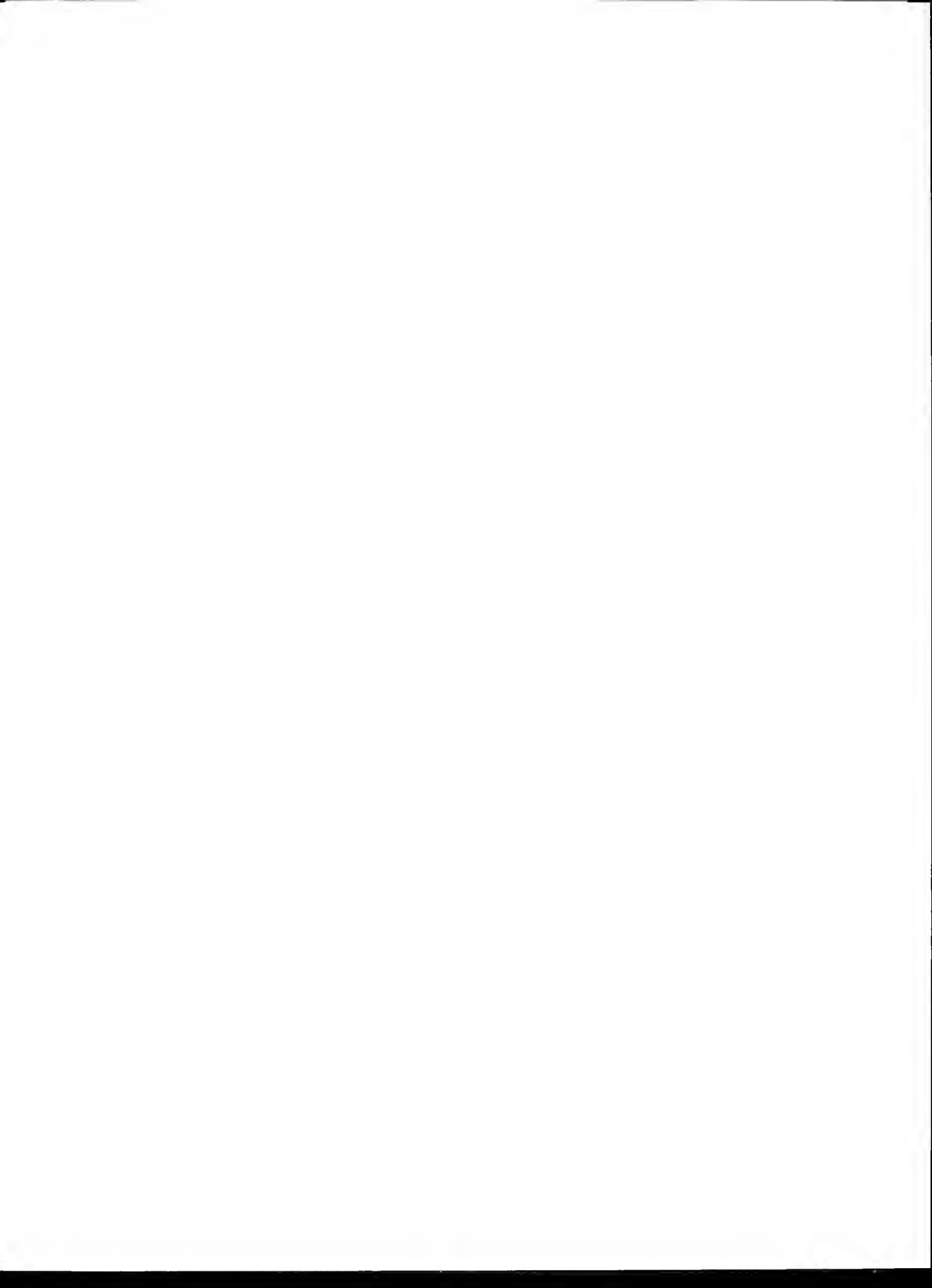
19A NCAC 06B .0412 12:22 NCR 1981
 19A NCAC 06B .0413 12:22 NCR 1981

VETERINARY MEDICAL BOARD

21 NCAC 66 .0207 12:23 NCR 2089
 21 NCAC 66 .0208 12:23 NCR 2089

12:24 NCR 2220
 12:24 NCR 2220

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